UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/432
14 September 1995

ORIGINAL: ENGLISH

Fiftieth session
Item 108 of the provisional agenda*

CRIME PREVENTION AND CRIMINAL JUSTICE

Progress made in the implementation of General Assembly resolution 49/158

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 2	3
II.	CRIME PREVENTION AND CRIMINAL JUSTICE: A CRITICAL NEED	3 - 9	3
III.	PROGRAMME ACTIVITIES: A SIGNIFICANT YEAR	10 - 62	6
	A. Major events	11 - 14	6
	B. Research and information dissemination	15 - 17	7
	C. Implementation of United Nations standards and norms	18 - 21	8
	D. Operational activities	22 - 47	9
	E. Support to the Commission	48 - 49	17
	F. Collaborative initiatives	50 - 62	18

* A/50/150.

95-28145 (E) 131095 141095

/...

CONTENTS (continued)

		Paragraphs	Page
IV.	RECENT MANDATES AND THEIR PROGRAMME IMPLICATIONS	63 - 96	22
	A. Action by the Commission	64 - 90	22
	B. Programme implications	91 - 95	30
	C. Further tasks	96	31
V.	STRENGTHENING PROGRAMME CAPACITY	97 - 126	31
	A. A proper place in development assistance	100 - 108	32
	B. Role in peace-building and emergency assistance	109 - 112	35
	C. Information management and transfer of knowledge ...	113 - 115	36
	D. From coordination to partnerships	116 - 117	38
	E. Harnessing the means	118 - 123	38
VI.	CONCLUDING REMARKS	124 - 126	40

I. INTRODUCTION

1. The General Assembly, at its forty-ninth session, adopted resolution 49/158 of 23 December 1994 on strengthening the United Nations crime prevention and criminal justice programme, particularly its technical cooperation capacity. In that resolution, the Assembly recognized the direct relevance of crime prevention and criminal justice to sustained development, stability, security and improved quality of life. It also recognized the urgent need to increase technical cooperation activities in order to assist countries, especially developing countries and those in transition, in translating United Nations policy guidelines into practice, including training and upgrading of national capacities, and to improve regional, interregional and international cooperation and coordination of activities aimed at combating crime. The Assembly reaffirmed the importance of the United Nations crime prevention and criminal justice programme and its crucial role in promoting international cooperation in that field, in responding to the needs of the international community in the face of both national and transnational criminality, and in assisting Member States in preventing crime within and among States and improving the response to crime.

2. However, the Assembly also noted the considerable obstacles to the full and effective implementation of the crime-related programme activities, resulting from the increased workload of the Crime Prevention and Criminal Justice Branch of the Secretariat, owing to the lack of appropriate institutional capacity, and called for an appropriate share of the resources to be allocated to that high-priority United Nations programme, so that its capability to respond to requests from countries and to fulfil its other tasks could be enhanced. A number of specific steps were recommended towards that end, including the implementation of relevant previous General Assembly and Economic and Social Council resolutions calling for the reinforcement and upgrading of the Crime Prevention and Criminal Justice Branch. The Secretary-General was requested to submit a progress report on the implementation of the resolution, which is contained in the present document.

II. CRIME PREVENTION AND CRIMINAL JUSTICE: A CRITICAL NEED

3. The Fiftieth Anniversary of the United Nations offers an opportunity for serious analysis of the world situation and for assessment of its role in meeting urgent needs. In making this balance sheet, the undisputed gains made during this time in various sectors must be recognized, as well as the overall progress towards enhanced human development. Wars between States seem to be subsiding and the ideological cold war is largely a thing of the past. But violence and human suffering are not yet receding: internal conflicts and ethnic strife plague different parts of the world, and the threat of crime looms larger than ever even where it did not hold sway before. Organized crime has spread its tentacles over much of the globe, fed by corruption and the mercenary pursuit of riches, laundered through sophisticated means, especially when legitimate businesses have been infiltrated. Terrorist violence, usually by a fanatic fringe, sows panic and fear. In some places, the entire economy has been subverted and the system destabilized by the impact of these deleterious

activities, which pose a danger to the rule of law and democratic change. Even relations between States have been negatively affected by transnational crime and violence, which keep widening their reach.

4. At the same time, common criminality is generating a haunting feeling of insecurity in cities of both developed and developing regions: some areas have become veritable "urban war zones", where violence, drugs and deprivation are the order of the day and hopelessness the common currency. Adverse economic conditions have exacerbated survival problems and material constraints lacerated social safety nets, compounding disadvantage. In the burgeoning towns of developing regions, and where poverty prevails, urban slums are likely to proliferate. 1/ These demographic trends are expected to be reinforced by negative economic trends: even if global wealth grows, it is expected to further widen the gap between rich and poor, between and within countries. This is likely to foster social unrest, instability and crime.

5. Failure to give proper weight to the detrimental effects of crime has exacted a heavy human and material toll, undermining the gains of development, the quest for greater equity and the prospects for a better life. It has also hampered United Nations peace-keeping and institution-building efforts, which cannot succeed in situations of complete lawlessness, as recent experience has all too painfully shown. The lesson to be learned is that the creation and proper functioning of the legal and judicial system are a sine qua non for any viable society and for sustained progress. 2/ For, justice is the foundation upon which civil society, good governance and democracy rest, and its promotion an essential condition for building social trust. As noted in the Secretary-General's report, "in countries where peace efforts are in progress, it is vital to provide the police, prosecutors, judges, prison staff, and the legal profession with international experience and expert knowledge - indispensable tools in building an effective and fair criminal justice system, one of the pillars of democracy." 3/

6. The task is all the more difficult since vested interests, particularly armed bands, local gangs and other organized criminal elements will resist the establishment or re-establishment of "law and order". Yet, it is particularly needed in conditions of civil war and/or humanitarian assistance, when offences against persons and property are likely to proliferate. All possible measures are required to increase safety, including that of mission personnel. Proscriptions to avoid interpersonal violence, and especially crimes against humanity, need to be properly enforced and a functional criminal justice system set up where it is lacking. Prosecution of major offenders in international tribunals is a necessary course, especially as a normative device of the international community seeking to assert its moral authority, particularly where national mechanisms do not exist or are not properly utilized, or where transnational offences are involved. 4/ It is crucial, however, that national and local courts be activated and proceed expeditiously, perhaps under international supervision, so that justice can be seen to be done and the rule of law restored, as a means also of promoting public confidence and social cohesion. Protection, recourse and redress for the victims also have to be assured. This requires a well-functioning justice system. The creation of legal monitors to help spread the culture of law has been suggested to help curtail violence and abuse. 5/

7. As was pointed out at the United Nations World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, in November 1994, in the prevailing vacuum created by institutional breakdown and dwindling social controls, organized crime is likely to establish itself through the sale of arms, drugs, prostitution, diverting badly needed aid from its envisaged recipients and dissipating assistance potential. 6/ Even technical cooperation programmes are vulnerable to fraud, as the experience of some United Nations agencies has, unfortunately, revealed, but such practices tend to be even more pernicious in complex emergencies where mutual trust and efficiency are essential. To avoid the dwindling of scarce resources in this way, crime prevention elements should be built into development assistance projects as an indispensable element of quality control.

8. The new approach to United Nations activities, as articulated by the Secretary-General, emphasizes the complementarity of peace and development, and the need to address problems which, if left unattended, are likely to undermine both. Human security ranks high on the list, not mainly as protection from external foes but, increasingly, as the maintenance of social peace and freedom from fear, conducive also to the satisfaction of other basic needs and the development process. The lack of a secure environment for economic growth has discouraged foreign investment, and illicit operations have siphoned off vast sums that could have been used for the common good. The failure to incorporate crime prevention considerations in national planning has contributed to dysfunctional development, compounding inequities and precluding the enjoyment by all the people of the fruits of progress.

9. Neglect of this aspect may also jeopardize the success of major reforms, including the movement towards market economies. Some countries in transition have borne the consequences: organized crime is becoming entrenched, taking advantage of the legal flux and enforcement vacuum. This could have been predicted and perhaps even avoided. If preventive measures are not instituted in good time, they may be unable to contain the seemingly inexorable progression of crime, or there may be a backlash of repression jeopardizing democratic reforms and the enjoyment of basic freedoms. A strengthened United Nations capacity to forecast and forestall such negative effects of institutional transformations, and wider utilization of this expertise in technical cooperation, would help to avert and mitigate such dangers. The urgency is very real, not only for the countries directly affected but also because of the spill-over effect deriving from the internationalization of crime, which has permitted criminal organizations to cross national borders and to expand their operations - a continuing malignant process likely to subvert the rule of law and to endanger popular well-being. Regionalization and the establishment of common markets are expected to accentuate it, with the increased permeability of frontiers and economic integration susceptible to infiltration by organized crime. They may also facilitate the illicit traffic in human cargo with severe violations of basic human rights. These may be further infringed by xenophobic reactions to the tide of migrants and other extremist acts that utilize violence to threaten personal safety and social peace. The promise of "one world" and of the "global neighbourhood" risks being perverted unless effective, wide-ranging, collaborative strategies are instituted to reverse this perilous trend.

III. PROGRAMME ACTIVITIES: A SIGNIFICANT YEAR

10. The year under review was an eventful one, with two world conferences and a session of the Commission on Crime Prevention and Criminal Justice, that highlighted many of the aforementioned concerns and proposed concrete directions for future work. It also witnessed a wide range of other programme activities, particularly strengthened technical cooperation efforts.

A. Major events

11. The results of the World Ministerial Conference on Organized Transnational Crime were submitted to the Assembly at its forty-ninth session (A/49/748), leading to the adoption of its resolution 49/159 of 23 December 1994. By that resolution, the General Assembly approved the Political Declaration and the Global Action Plan against Organized Transnational Crime, and urged States to implement them as a matter of urgency, and all entities of the United Nations system and relevant organizations to provide their full support. The Secretary-General was requested to transmit the Naples decisions to the Commission on Crime Prevention and Criminal Justice for appropriate action, and the Commission, to keep them under regular review. A higher level of priority for the United Nations crime prevention and criminal justice programme was urged, as well as adequate funds, particularly in the light of its added responsibilities, and to enable it to respond to the most urgent needs of States in the prevention and control of organized transnational crime. As requested in the resolution, a progress report on its implementation (A/50/433) has been submitted to the Assembly.

12. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, the first Congress to be held in Africa, was very well attended and generated wide interest. It was a first in other ways: by using a new format, as recommended by the General Assembly in resolution 46/152 of 18 December 1991, and by being the first major United Nations Conference to employ remote translation, with considerable savings. The Congress, which involved intensive preparatory work had, inter alia, input from regional preparatory meetings 7/ and extensive other documentation. It adopted a number of resolutions and made a series of practical and far-reaching recommendations. The report of the Congress is before the General Assembly as document A/CONF.169/16 and a note by the Secretary-General summarizing the results has been submitted as document A/50/373.

13. The Commission on Crime Prevention and Criminal Justice at its fourth session, held at Vienna from 30 May to 9 June 1995, considered the report and decisions of the Ninth Congress, and adopted a comprehensive draft resolution on the implementation of its recommendations, as well as a number of other draft resolutions on priority themes. It also formulated a draft resolution related to the Congress for consideration by the General Assembly. The report of the Commission is available to the Assembly as a background document. 8/ The Council, at its substantive session, adopted the draft resolutions recommended by the Commission, as resolutions 1995/8-15 and 1995/27, of 24 July 1995. The

mandates deriving from the Ninth Congress, the Commission and the Council, and their programme implications, are considered later in the present report.

14. Expert meetings and seminars were organized during the year, largely as collaborative ventures. Other major events, such as the World Summit for Social Development and the Fourth World Conference on Women, also made some relevant recommendations. These are mentioned, as appropriate, under other headings.

B. Research and information dissemination

15. The fourth United Nations survey of crime trends and operations of criminal justice systems was largely completed during this year, and an interim report 9/ on the results was submitted to the Ninth Congress, as requested by the Commission on Crime Prevention and Criminal Justice. It offers a preliminary overview of the changes in world patterns and dynamics of crime, including violent and property crime, during the years 1986-1990. The report contains information drawing on the situation in 100 countries of different regions that responded to the survey questionnaire, including the trends of violence (and dynamics of homicide) in the world; available criminal justice resources and the situation of prisons. A new feature was the accompanying assessment of trends of transnational crime, especially organized crime, conducted in pursuance of Economic and Social Council resolution 1993/34 of 27 July 1993 and the Naples Global Action Plan to serve also as an early warning for appropriate counteraction. 10/ Regional trend analyses were prepared by the United Nations institutes. Extensive research was also carried out in connection with the working papers for the Ninth Congress and the background papers for the workshops. Surveys on special subjects falling under the priority themes of the Commission, such as measures to combat the smuggling of illegal migrants, were prepared for it on the basis of government responses, as were some other survey reports. The United Nations institutes continued their research and training activities, including some relating to the Ninth Congress and Commission agendas (for example, The United Nations Interregional Crime and Justice Research Institute (UNICRI) on penal protection of the environment, and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) on trafficking in children).

16. A great deal of material was generated during the year in connection with the major conferences, as listed in the annexes to their reports. This included public information issuances, such as a Department of Public Information pamphlet describing the United Nations crime prevention and criminal justice programme, press kits and other releases. National statements were submitted to the Congress and other inputs provided by intergovernmental and non-governmental organizations (NGOs). For example, a special publication on migration and crime was issued by the International Scientific and Professional Advisory Council (ISPAC) in cooperation with the Pioom Foundation, in connection with an ancillary meeting on this subject. Also, a volume on the Inter-organization Colloquium on Criminal Justice Management was published by the Centro Nazionale di Prevenzione e Difesa Sociale with support from the International Penal and Penitentiary Foundation.

17. Special issues of the United Nations Crime Prevention and Criminal Justice Newsletter on the Ninth Congress and other recent events have been prepared. Also in connection with the Congress, vol. 2, No. 3 of the UNCJIN Newsletter was devoted to trends in urban crime and crime prevention. An issue on violence and conflict resolution is in preparation. No. 4 of the Newsletter highlighted the potential of the United Nations Crime and Justice Information Network (UNCJIN) now that it is well established on the Internet. A commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) for the non-institutional treatment of offenders has been issued, and manuals prepared on the implementation of the Model Treaties on Extradition and on Mutual Cooperation in Criminal Matters, adopted by the General Assembly in its resolutions 45/116 and 45/117 of 14 December 1990. A manual on basic education in prisons was also issued. The United Nations Manual on the Prevention and Control of Computer-related Crime was published in No. 43-44 of the International Review of Criminal Policy. No. 45-46 of the Review is to mark the Fiftieth Anniversary of the United Nations, containing a topical review of the progress made, as well as a comprehensive bibliography of all United Nations crime prevention and criminal justice publications, reports and other materials issued since the programme's inception. A selected bibliography on penal protection of the environment has also been prepared. Several joint publications which have been produced in collaboration with other United Nations entities are mentioned below.

C. Implementation of United Nations standards and norms

18. The United Nations standards in crime prevention and criminal justice represent internationally agreed upon norms that provide a yardstick against which countries can gauge their current policies and desirable reforms. They are useful training material for countries eager to modernize their criminal justice systems and upgrade the capabilities of their personnel. They also serve as a guide for civil police and other United Nations peace-keeping personnel. Their importance and the need to monitor their use and application have led the Commission on Crime Prevention and Criminal Justice to include the United Nations standards and norms as a standing item on its agenda, and to convene an in-sessional working group on the subject. The one held during the Commission's fourth session discussed the best ways of monitoring the use and application of the United Nations guidelines and norms, and endorsed the guidelines established to gather information on actual practices as well as relevant legislation.

19. The responses of Governments to four surveys of the progress achieved in the implementation of the first set of four United Nations instruments are being analysed and collated for reports to be submitted to the Commission at its fifth session, at which it will also review a new draft questionnaire for the next set of norms, dealing with juvenile justice. A manual on juvenile justice has been prepared to serve as a training guide for judges and social workers dealing with juvenile offenders and children at risk. The manual will provide information on how to make optimum use of the United Nations standards in this field, particularly with a view to preventing juvenile delinquency and assuring the reintegration of juvenile offenders in the community.

20. In pursuance of Economic and Social Council resolutions 1745 (LIV) of 16 May 1973, 1984/50 of 25 May 1984, 1989 (64) of 24 May 1989 and 1990 (51) of 24 July 1990, the quinquennial report on capital punishment was prepared for submission to the Council at its substantive session in 1995, on the basis of government replies; it included information on the implementation of safeguards guaranteeing the protection of the rights of those facing the death penalty. 11/ It served as a basis for the Council's deliberations on this subject and for its resolution 1995/57.

21. The implementation of the international instruments for mutual assistance in criminal matters and of the model treaties on different aspects of bilateral and multilateral cooperation also requires technical assistance, and efforts have been made to provide this, beginning with the Economic Community of West African States (ECOWAS) countries of western Africa. The manuals on extradition and other kinds of mutual assistance should help in the adoption of national provisions that would facilitate cooperation in this regard.

D. Operational activities

22. In paragraph 5 of its resolution 49/158, the General Assembly recognized that operational activities should continue to receive priority attention among United Nations activities in crime prevention and criminal justice. By highlighting this aspect and giving further indications, the Naples Ministerial Conference, the Ninth Congress, the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council have helped to define the parameters of this work. The practical orientation of the Congress, with its technical assistance-oriented workshops, the special sessions on technical cooperation, both in the Congress and the Commission, and the ongoing dialogue with countries about their technical assistance requirements, have all contributed to the increased operationalization of the programme, which is expected to continue with the implementation of the established action plans. However, the degree to which this aim can be realized and major inroads made in helping countries to curtail criminality and improve criminal justice administration will depend largely on the operational capacity of the programme to render the necessary aid. If the theme of the Ninth Congress, "Less crime, more justice: security for all", is to become a reality, an appreciably strengthened effort and increased programme capability are required. Some steps in this direction have been taken, but much more is clearly required if the chasm between the needs in this field and the international response is, if not bridged, then at least reduced.

23. The range of possible initiatives is daunting, including needs assessments and fact-finding missions, assistance in planning and implementing comprehensive strategies, advisory services to deal with priority issues, formulation and implementation of specific projects, including expert assistance in law review and reform, and in promoting more coherent and effective criminal justice systems and subsystems, such as the police, the judiciary, correctional services and juvenile justice; training and educational programmes, including the development of model curricula and training materials; fellowships; the exchange of information and experience; the computerization of criminal justice

administration and statistics; and experimental innovation through feasibility studies, pilot and demonstration schemes.

1. Multiple requirements

24. The multiplicity of needs in this field has been conveyed by Governments on various occasions: through urgent requests directed to the Crime Prevention and Criminal Justice Branch and its affiliated institutes; and during short-term advisory missions, which often have to help define these needs; through United Nations Development Programme (UNDP) or United Nations International Drug Control Programme (UNDCP) channels; and during global and regional conferences. The Ninth Congress highlighted the pervasive needs of many countries in this field. Often, they are so extensive and interrelated that they are difficult to isolate and prioritize. In those cases, particularly, a comprehensive approach to foster multi-pronged action offers the best prospects, with a coherent policy framework and phased implementation of measures aimed at capacity-building.

25. Many developing countries and those in transition have found themselves overtaken by rapid political and socio-economic changes, including the growing incidence and sophistication of crime, with which they are ill-equipped to deal. In some cases legal provisions can be updated; more often they have to be completely revised. Obsolete, alien criminal codes and lack of trained personnel have made most criminal justice systems a poor match for criminals disposing of technological means and the latest know-how. Where the entire system is being changed, as in countries moving towards a market economy, existing laws and structures are being overhauled, often with external assistance. It is no wonder, then, that legal reform, including new penal codes and codes of criminal procedure, ranks high on the list, as does special legislation to deal with particularly worrisome problems, such as organized transnational crime, corruption and money-laundering.

26. Where democracy has been restored or has only recently taken root, there is a special need for the projected changes to reinforce the rule of law and democratic institutions rather than placing them at risk. Expert advice, drawing on international guidelines and the experience of other countries, can be particularly helpful in this connection, and has been widely solicited. Some UNDP country programmes specifically include crime prevention and criminal justice reform 12/ and judicial training; 13/ in other cases they may be subsumed under "governance" and broader administrative reform, including public service upgrading. Legislative prototypes are sought, which could be adapted to particular needs; they can also help to harmonize laws so as to reduce gaps and differences capitalized upon by astute offenders likely to shift operations to areas of lesser control, in terms of both the existing statutes and their enforcement.

27. Countries recovering from civil war or from dictatorships are particularly eager to improve their system of governance and are aware of the central role of the administration of justice in this regard. Where the police has played a repressive role, not only its technical capabilities but also its image has to be upgraded to foster public cooperation. There is considerable interest in community policing and, in the words of one African government official, a real

need to do a great deal of sensitive training of the police in how to behave in a democratic society. There also seems to be a widespread need for judicial reform and the training of judges, especially in human rights and in the range of possible sentencing options, to counter the over-reliance on imprisonment. New skills are sought to deal with seemingly intractable problems, such as the difficulties in investigating and prosecuting complex economic and technological crimes, where there is an acute dearth of expertise or it has to be utilized in new ways, such as the use of multidisciplinary teams.

28. There is a strong interest in improving the efficiency of criminal justice operations, especially through their computerization, but the basic equipment is usually lacking, as is the necessary personnel. Automated data collection is often but a desideratum, and an empirical base for decision-making, a future aim. This aspect can often be included as part of broader telecommunications projects, reflecting the need for aid in context. This is true also of correctional systems, with their dilapidated facilities and overcrowded prisons, which need to be upgraded in accordance with United Nations standards, cleared of detainees awaiting trial, and used only as a punishment of last resort. Many countries, for example in Africa, in their customary justice traditions have victim restitution and mediation mechanisms that could be much more widely applied, but they may seek more "modern" alternatives, in spite of the trend towards de-institutionalization and community-based "restorative or reparative justice" in some developed countries, which is consonant with African customary traditions. Technical assistance providers in such situations should be particularly careful to suggest compatible options rooted in the culture rather than introducing further alien models. Technical cooperation among developing countries (TCDC) holds special promise in this regard.

29. Many countries seek assistance with mounting juvenile delinquency and the treatment of juvenile offenders. In many instances, these are imprisoned with adults in improper facilities, under severe prison regimes. The whole area of juvenile justice and the re-education of juveniles for a productive role in society is a major concern, including the reintegration into the community of those who had taken an active part in armed conflict. Assistance with other young persons in difficult circumstances, such as street children, is also being sought. There is a growing realization that preventive steps are needed to reverse the progression of crime or, where it has not yet made serious inroads, to stop it from doing so. This provides a singular opportunity for instituting an integrated multisectoral approach, in which a whole range of requirements can be incorporated, including coordinating mechanisms and more rational criminal justice systems.

30. A recurrent motif is the need for training, and requests for different kinds and levels of training have been multiplying. There is significant scope for it, if still a limited capacity, including the organization of seminars, workshops and training courses, fellowships and personnel exchanges, the development of model curricula and training materials, and teaching modules for the training of trainers that would have a multiplier effect. Intensified and more widespread efforts are urgently required to build the cadres needed to upgrade national and local capacities, and to impart a broader perspective necessary for dealing with new, transnational crime forms and ramifications, including jurisdictional issues and reciprocal arrangements. Finally, there is

an extensive need for equipment of all kinds and the capability of handling it. The communicated requirements are being analysed as a basis for strategic planning of the responses, given the shortage of means.

31. This refers not only to national projects, for in the era of transnational crime concerted action is indispensable. It adds a whole new dimension to technical cooperation, including efforts to harmonize national laws in accordance with international guidelines (such as the United Nations norms), to elaborate implementing model legislation; and to develop collaborative agreements and arrangements, utilizing the United Nations instruments (for example, model treaties on mutual assistance in criminal matters, extradition, transfer of criminal proceedings and of prisoners), with particular scope for regional and subregional cooperation, and the integration of bilateral initiatives into a wider international approach. Training at the interregional, regional and subregional levels can promote joint strategies and reduce training costs. To increase and gauge impact, provision must be made for proper monitoring, evaluation, feedback and follow-up, and for the coordination of assistance projects and activities, so as to avoid overlap and achieve a synergistic effect. Resource mobilization and expenditure rationalization are a key aspect, aimed at a favourable cost-benefit ratio in the initiatives taken. Cost-sharing, innovative partnerships and other means of increasing programme capacity are options being pursued but are themselves limited by the existing constraints.

2. Advisory services

32. The proliferation of requests for crime and justice-related assistance has led to the provision of a second interregional adviser post under the regular programme of technical cooperation (part V, sect. 20, of the programme budget for the biennium 1994-1995), so that short-term missions to countries could be resumed in late 1994, after a hiatus of almost a year. Economies in their deployment have permitted some of the earmarked funds to be used for training and project support. Since the services of interregional advisers are provided to countries at no cost to them for short periods of time, appropriate preparation and follow-up, including longer-term project development, are particularly important.

33. Since being appointed, each adviser has carried out some needs assessment missions. Occasions such as the Ninth Congress provided opportunities for consultations with government officials regarding their particular requirements. Other needs assessments were carried out in the context of peace-keeping operations, as for Haiti and Rwanda (see below). In addition to comprehensive needs assessments, some requests for interregional advisory services sought expert guidance in defining the needs in a specific area or sub-sector. Thus, in Peru an interregional adviser conducted a needs assessment for the Prison Administration, centred on the training requirements to upgrade prison staff. In Pakistan, in a collaborative mission, the concern was how to deal with the rapidly increasing threat of organized crime. A correctional needs assessment for the Caribbean countries formed the basis of a workshop on the training of trainers. In Albania, the objective was to ascertain the need and readiness to

undertake administrative reform of the correctional services, and to institute a new system of juvenile justice.

34. Even where requests were rather specific, however, the ramifications were often unanticipated, necessitating broader projects and further work to clarify the requirements and help choose the best option. Thus, a mission to the former Yugoslav Republic of Macedonia, to advise on the establishment of proposed crime prevention councils, and on measures against corruption and money-laundering, enlarged its scope to deal with other aspects related to organized crime, and to provide appropriate follow-up. Missions to Benin, Chad and Lesotho are foreseen. The interregional advisers also provided support for activities of the regional United Nations institutes and participated in some of their activities.

35. Advisory services were also rendered by the Crime Prevention and Criminal Justice Branch and its experts, for example, in connection with the new Criminal Code and Code of Criminal Procedure drafted in Belarus and the proposed Criminal Code of Ukraine. Continuing assistance was provided in the implementation of a criminal justice reform project in the Russian Federation, including participation in the evaluation of the results of the implementation of new forms of legal proceedings (Sochi, 3-7 October 1994).

3. Training

36. A substantial number of training courses, seminars and workshops were organized and serviced during the period under review, in accordance with the emphasis placed on training by United Nations policy-making bodies and the Ninth Congress, and in response to the acute need for training and re-training in developing countries and those in transition, as a means of imparting knowledge (for example, on the United Nations standards and norms and other elements of desirable practice), effecting attitude change, sharing experiences and upgrading skills, including problem-solving and conflict management capabilities.

37. In most cases, the training activities undertaken were of a collaborative nature. A major initiative, implemented in cooperation with the Resource Committee on Corrections of ISPAC, was a series of workshops for prison personnel, using the ISPAC Basic Training Manual for Correctional Workers. The first one was a seminar on penitentiary issues, organized jointly with the Government of Argentina (Buenos Aires, 27-31 March 1995), attended by over 400 participants from Latin American countries; the second was a workshop for trainers from Caribbean countries, held in cooperation with the Government of Barbados (Christchurch, 9-13 April 1995). The third, organized with the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) (Kampala, 10-14 July 1995), was attended by participants from African anglophone countries. A further one was organized for Latin American prison personnel (Valenca, Brazil, 28 August-2 September 1995). Other training courses are also foreseen, for example, on the treatment of prisoners and on juvenile justice in Gabon and on the treatment of prisoners, crime prevention and juvenile justice in Burkina Faso. The interregional advisers have been involved, where possible, in the planning and execution of such projects so that

they could be integrated into broader technical cooperation strategies and given appropriate support and follow-up.

38. Collaborative training projects with organizations such as the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, in Lund, Sweden, continued, with members of the Branch serving as trainers in seminars for African countries, held in Burundi, Namibia, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, most of which dealt with human rights in law enforcement. Subregional initiatives included a training seminar on juvenile delinquency, juvenile justice, the treatment of offenders and crime prevention strategies, for Portuguese-speaking African countries, with the support of the Government of Portugal (São Tome and Principe, 23-28 February 1995). Assistance was also given in training initiatives sponsored by other organizations, such as Penal Reform International and Caribbean Rights, for example, a seminar on criminal justice and the rule of law in sentencing, for Latin American and Caribbean participants (Christchurch, 15-17 September 1994).

39. Collaboration continued in training ventures sponsored by other parts of the United Nations system, such as the Centre for Human Rights and cooperation with UNDCP was intensified during this period, as called for by the General Assembly and other bodies. The Branch provided resource persons for two training courses on human rights in law enforcement, for Egyptian police officers (Cairo, 31 May-14 June 1994), and another, for police trainers, in the former Yugoslav Republic of Macedonia (Skopje, 23-27 January 1995). A Branch member served as a resource person for the United Nations Children's Fund (UNICEF) and AsiaNet-sponsored Asia-Pacific Training Programme on "Juvenile justice and the rights of the child" (Bangkok, 12-17 December 1994).

40. Joint training projects were also undertaken with UNDCP, including a two-week training course for police officers in charge of drug control units in Ukraine (Kiev, 20 February-3 March 1995) and in Belarus (Minsk, 2-15 October 1995). An interregional adviser served as a resource person for the UNDCP ministerial forum against corruption and the legal workshop for senior officials dealing with corruption and drug trafficking in southern and eastern Africa (Pretoria, 11-14 November 1994). The regional adviser on crime prevention and criminal justice for Asia and the Pacific, based in the Economic and Social Commission for Asia and the Pacific (ESCAP), took part in training courses and workshops on community-based approaches to drug demand reduction.

41. A series of regional seminars is projected to follow up, provide training and promote joint action in pursuance of the recommendations concerning organized crime and corruption. These will be high-level meetings, convened in cooperation with the United Nations regional institutes in Africa, Asia and Latin America, in November-December 1995. They will consider the wider application of the United Nations instruments on mutual assistance in criminal matters, extradition, the transfer of criminal proceedings, etc., and of the guidelines on measures against corruption, and money-laundering, with a view to devising concerted strategies, strengthening regional cooperation, and developing regional agreements (such as possible conventions) and collaborative arrangements to combat these problems.

42. The interregional advisers and Branch members also served as resource persons for other training activities, including a seminar on "Police apprehension and remand detention in the light of fundamental rights guarantees", organized by the International Penal and Penitentiary Foundation (Macao, October 1994); an international conference of experts on "International Criminal Justice: historical and contemporary perspectives", organized by the Institute for Higher Studies in Criminal Sciences (Syracuse, December 1994); the first meeting of the Task Force on Democracy, Governance and Participation of the UNDP regional programme designed to support these and foster international cooperation in East European States and the former Soviet Republics (Geneva, February 1995); a conference on "Crime and criminal justice in the Mediterranean area: promotion of informed decision-making and international cooperation, organized by UNICRI (Malta, February 1995); the Curriculum Development Committee and seminar for law enforcement officials from Central and East European countries (Budapest, February and April 1995); a seminar on human rights in the administration of justice, for magistrates from francophone African countries, organized by the Ecole nationale de la magistrature (Paris, November 1994); a seminar on forensic techniques, for participants from these countries (Toulouse, France, June 1995); and a training seminar for specialist liaison officers for offences against minors, organized by the International Criminal Police Organization (INTERPOL) (Lyon, April 1995).

4. Fellowship programme

43. A recent innovation has been the establishment of a fellowship programme, primarily for candidates from developing countries and some from countries in transition, funded from both regular and extrabudgetary sources. These opportunities were widely advertised, with the help of United Nations resident coordinators, and eight fellows (four male, four female) selected for 1995 out of 183 government nominees (from Albania, Burundi, China, Cook Islands, Dominican Republic, Guinea, India and Jamaica), who will be able to upgrade their own and their countries' expertise in areas of particular concern.

5. Involvement in peace-keeping operations

44. The General Assembly, in paragraph 13 of its resolution 49/158, welcomed the assistance rendered to States and urged that it be strengthened, including the training of peace-keeping and emergency personnel. In accordance with the mandate to respond to requests channelled through United Nations peace-keeping missions, assistance in crime control and justice-related matters was rendered in Haiti, Somalia, the former Yugoslav Republic of Macedonia and Rwanda/Burundi. In some cases, as in Haiti, this involved successive short-term missions, starting with an overall needs assessment, carried out by an interregional adviser and a staff member in December 1994, in cooperation with the Centre for Human Rights. The mission analysed the existing situation, including both the major needs and available bilateral and multilateral technical assistance. Among the recommendations for priority action were the modernization of the judicial system, including a revision of the code of criminal procedure, training of prosecutors and judges, creation of a prison administration, assistance in training the police and teaching human rights for a functioning

civil society. Under these priorities, proposals were made to meet the immediate, medium-term and long-term needs. Following a specific request from the UNDP Resident Coordinator and the Head of the International Civilian Mission in Haiti (MICIVIH), advisory services for the modernization of the correctional system were provided in January 1995 to help remedy the unsatisfactory prison conditions, and a series of proposals made, with a basic project proposal for the development of correctional services, including personnel training and material requirements, such as the renovation of facilities, with cost figures. A training course for prosecutors was held from 3 to 15 July 1995. Cooperative arrangements were pursued in both the mission and the suggested follow-up. The project is being implemented with support from France (Ecole de la Magistrature) and the United States (Agency for International Development (USAID)). 14/ An associate expert from the Branch has been recruited by MICIVIH for a six-month period.

45. One of the interregional advisers and a consultant of the Branch participated in the UNDP round-table on the mid-point review of the assistance rendered to Rwanda, held in Kigali in July 1995. The request was conveyed via the Department of Development Support and Management Services, whose project on governance includes assistance in the administration of justice, which in this case means the de facto (re)establishment of a functioning justice system and improvement of prison conditions, particularly the treatment of minors. A workshop on the reform and rehabilitation of the justice system in Rwanda, convened during the meeting, included the problem of prison treatment and the need for training of judicial, correctional and law enforcement personnel. The United Nations standards and norms in crime prevention and criminal justice, still insufficiently known, were highlighted in this connection. Assistance in criminal investigations is also required, as is the reintegration into society of those detained without adequate grounds, especially juveniles. Recommendations for follow-up were made in the collaborative multi-agency framework of the Rwanda operation, and conveyed to the special meeting on prison conditions in Rwanda, convened in Geneva on 14 August 1995. Advisory services are to be further provided in this context. A brief fact-finding visit to Burundi confirmed the problems facing it and the urgent need to tackle justice-related issues, also as a preventive tactic to avoid the escalation of ethnic conflicts, pursued further at a training course for law enforcement officials, held in Bujumbura, from 21 to 25 August 1995, in cooperation with the Raoul Wallenberg Institute.

46. The project on re-establishing the criminal justice system in Somalia made some progress but was handicapped by the breakdown of the rule of law in the country, which negatively affected the overall situation and prospects of the mission. The project director was among the last to leave the country when the United Nations Operation in Somalia (UNOSOM) withdrew. The events necessitated the cancellation of a planned donors' meeting on law enforcement and re-establishment of the justice system in the country, to be convened at the request of the coordinating group of major donors. In the Middle East, two seminars on police and criminal justice management, for Palestinian police officers, were conducted (Gaza, 27-30 November and 4-8 December 1994), with the support of the Swedish International Development Authority (SIDA). They were organized as part of the United Nations Integrated Assistance Programme for Palestinian Civil Police, coordinated by the Secretary-General's Special

Representative on the Peace Process in Palestine. The aim was to sensitize the participants to law enforcement in a democratic society, relations with the public, limitations on the use of force and other practical problems, such as cross-border communication. The participants are to serve as future trainers. The Branch also undertook the training of civil police for peace-keeping missions, organizing the United Nations Civilian Police/United Nations Protection Force (UNCIVPOL/UNPROFOR) Station Commanders' workshops, held at Wiener Neudstadt (4-6 November 1994) and a workshop for the United Nations Preventive Deployment Force (UNDEPREP) (Skopje, 23-27 January 1995). It participated in the workshop on civilian training for United Nations field operations, organized by the Office of Human Resources Management (New York, 24-26 May 1995) with a special contribution on "Rebuilding criminal justice systems in post-crisis peace-building".

47. An interregional adviser served as a resource person in an international conference on peace-keeping, maintenance of order and crime control, organized by Ramkhamhaeng University (Bangkok, December 1994), and cooperated in a seminar on the selection and training of civilian personnel (including civil police) in United Nations peace-keeping operations, held at the Austrian Centre for Peace and Conflict Resolution (Stadt Schlaining, July 1995), highlighting the need for justice and relevant institution-building for United Nations mission success and lasting peace prospects. Expertise was also provided for a similar seminar held at the University of Pisa (18 September-7 October 1995). The United Nations Criminal Justice Standards for Peace-keeping Police (Blue Book) proved a useful training guide for this and other such initiatives. The regional adviser on crime prevention and criminal justice for Asia and the Pacific undertook a mission to Cambodia, where further work on criminal justice administration and measures against corruption is planned, including training courses, as follow-up of the assistance rendered by the programme in the context of the United Nations Transitional Authority in Cambodia (UNTAC).

E. Support to the Commission

48. In paragraph 12 of resolution 49/158, the General Assembly requested the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in that field, in performing its functions, and to ensure the proper coordination of all relevant activities, in particular with the Commission on Human Rights and the Commission on Narcotic Drugs. The Secretariat has sought to facilitate the Commission's task by reporting regularly on the implementation of its recommendations as approved by the Economic and Social Council and other relevant bodies. It provides the Commission with annual reports on coordination of the work with other United Nations entities and on the activities of the United Nations network of institutes and affiliated centres, based on their submissions. As requested, the collaborative initiatives taken with the Centre for Human Rights and the UNDCP have been highlighted in the reports, as have been the activities of United Nations entities in areas of special concern (for example, violence against women and children).

49. The Secretariat prepares a substantial number of reports for the Commission's annual sessions (12 reports were prepared, as requested, for the

fourth session, and some 30 are mandated for the fifth) 15/ in addition to conference room papers (for example, on the Congress results), submitted to facilitate the Commission's work further. In connection with the envisaged activities, the Commission expressed interest in receiving more detailed information, especially on the programmatic implications of the various mandates, and urged that the recommendations of the recent meetings be duly taken into account in the programme budget. In addition to the substantive support provided to the Commission, the technical servicing functions now also rest with the United Nations Office at Vienna, in accordance with Economic and Social Council resolution 1994/16 of 25 July 1994. Regular briefing sessions were organized with members of permanent missions in connection with the Ninth Congress and the Commission, and meetings with its Bureau members held between sessions.

F. Collaborative initiatives

50. As requested by the General Assembly in paragraph 11 of its resolution 49/158, cooperation with UNDCP was strengthened during the past year, as also urged by the respective commissions, through joint missions, for example, to Pakistan, to combat organized crime, and joint training courses for law enforcement personnel dealing with drug offences, as mentioned earlier. A joint seminar/workshop with UNDCP and the Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights, on drug trafficking and crime-related matters, is to be held in Bishkek, Kyrgyzstan, in November 1995, and another one in Budapest. Joint planning and implementation of some other activities are also envisaged, particularly on measures against organized crime, corruption and money-laundering. Ongoing consultations and information exchange are helping to ensure coordination and complementarity of the projects undertaken.

51. Joint activities were also undertaken with the United Nations Centre for Human Rights, including the aforementioned training courses and seminars on human rights in law enforcement (for example, in Romania, in November 1994), and other activities. This included participation in meetings of the Commission on Human Rights, the Subcommission On Prevention of Discrimination and Protection of Minorities and an inter-agency meeting on support of the Committee on the Rights of the Child. A joint publication was issued on human rights in pre-trial detention, as a handbook of international standards in this area. 16/ Cooperation with UNICEF also increased during this period. A three-way collaborative project (Crime Prevention and Criminal Justice Branch, Centre for Human Rights and UNICEF) was the United Nations expert group meeting on "Children and juveniles in detention: application of human rights instruments" (Vienna, 30 October-4 November 1994), organized with the cooperation of the Government of Austria. A joint publication, Children in Trouble, containing the report of the meeting, with extensive recommendations as well as the papers presented, has been issued. Collaboration with the Committee on the Rights of the Child also involved a three-way partnership, for example, in the third regional consultation on juvenile justice (Hanoi, 7-12 April 1995), which adopted a consensus on the practical steps to be taken to meet the requirements of the Convention, particularly in the implementation of the relevant United Nations juvenile justice instruments.

52. The ancillary meetings at the Ninth Congress, on the reintegration of children following armed conflict and on the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, elicited wide interest. Joint initiatives with regard to other children in difficult circumstances, such as street children, are also envisaged, especially in view of the priority given to violence against children. A prospective United Nations publication on trauma victims, with multi-agency contents, includes a chapter on United Nations work on crime victims, as well as chapters by other entities on the United Nations system. A meeting of experts on crime victims, to be held towards the end of 1995, is designed to take into account all the relevant contributions in order to further a concerted, system-wide approach to victims.

53. With regard to violence against women, the Commission on the Status of Women was notified of the decisions of the Commission on Crime Prevention and Criminal Justice and its collaboration invited on the action plan which is to be developed. Cooperation between the Secretariat offices concerned also continued, and the relevant parts of the Ninth Congress and Commission reports have been transmitted to the Division for the Advancement of Women and the Secretary-General of the Fourth World Conference on Women for its consideration (Beijing, 4-15 September 1995). Relevant input was also provided for the Secretary-General's report to the General Assembly on trafficking in women and children. The Special Rapporteur on the sale of children, child prostitution and pornography attended the commission session upon a special invitation.

54. Cooperation with the Office of Legal Affairs was also strengthened, particularly on issues such as terrorism and the establishment of an international criminal court. Suggestions were submitted regarding the statute of the proposed court, as well as the draft international code of crimes against the peace and security of mankind. There is also room for enhanced collaboration in the work of international criminal tribunals, for the former Yugoslavia and for Rwanda, both with regard to expertise in criminal prosecutions and evidence collection, and in the treatment of victims, a matter on which detailed recommendations were conveyed. Some recent decisions have collaborative implications (for example, the Commission resolution on the succession of States in respect of international treaties on combating various manifestations of crime), as will, if undertaken, the development of further international conventions.

55. Close cooperation has been established with the Department for Development Support and Management Services, especially in the promotion of sound governance and accountable public administration. Proposals for joint seminars on measures against corruption and for the training of criminal justice personnel, using the draft international code of conduct for public office holders, have been submitted. One of the interregional advisers participated in the preparatory meeting for the special session of the General Assembly on governance, and a role is envisaged for the crime prevention and criminal justice programme during the special session on this subject.

56. Collaboration with the United Nations Centre for Human Settlements is being pursued in areas of common concern, such as urban criminality. A representative of the Centre participated in the Congress deliberations and workshop on this

subject, and the Crime Prevention and Criminal Justice Branch is following the preparatory activities for the United Nations Conference on Human Settlements Habitat II to be held at Istanbul, from 3 to 14 June 1996, planning a special contribution. This is also an area in which cooperation with the UNDP Urban Management Programme and other entities is being pursued and a collaborative proposal on crime in megacities drafted.

57. Cooperation with the Department for Policy Coordination and Sustainable Development was pursued in the preparations for and follow-up of the World Summit for Social Development (Copenhagen, 5-13 March 1995), which included the problem of crime and violence among major present-day concerns. The meeting called for specific policies and programmes to eliminate all forms of violence in society, particularly domestic violence, and to protect the victims of violence. It also urged preventive programmes for children and young persons to avoid their participation in crime, violence and drug-related activities, including preventive education, community service and the reintegration of offenders, especially young offenders, in society. The Programme of Action of the World Summit also envisages the development of mechanisms for conflict resolution and reconstructive and reintegrative policies, with emphasis on the re-establishment of the rule of law and respect for human rights. The crime prevention and criminal justice programme clearly has a major contribution to make in the implementation of these recommendations. This is also true for those urged by the Summit to strengthen international cooperation in devising strategies, policies, legislation and other measures to combat national and transnational organized crime, and the use of violence and terrorism, including effective measures against trafficking in persons and in drugs, corruption and money-laundering (see also A/50/433 on the follow-up of the Naples Action Plan).

58. Coordination with the United Nations institutes and other elements of the United Nations crime prevention and criminal justice network has been further strengthened, through joint planning and programme implementation. The Congress and Commission sessions provided occasions for consultation, and the annual coordination meeting is scheduled to be held at Courmayeur, Italy, with the support of ISPAC, in October 1995. A detailed account of the activities of members of the network was submitted to the Commission on Crime Prevention and Criminal Justice at its fourth session. 17/ Among the joint publications issued is a volume on the institutions which form part of the programme network issued for the Congress, and a publication on the implementation of United Nations mandates on juvenile justice administration in the ESCAP region, issued in cooperation with the Asia Crime Prevention Foundation, ESCAP and the Australian Institute of Criminology.

59. Collaboration with specialized agencies on certain aspects has been fruitful in the past (for example, with the World Health Organization (WHO) on the treatment of HIV-positive/AIDS prisoners) with the United Nations Educational, Scientific and Cultural Organization (UNESCO) (on the protection of cultural patrimony), etc. In cooperation with the UNESCO Institute for Education in Hamburg, Germany, a manual on prison education was prepared, with the assistance of the Maryland, United States, Division of Corrections. It reflects different approaches to prison education in various regions and cites country examples of good practices. There is major scope for the agencies to collaborate in areas such as the prevention and control of violence (UNESCO and

WHO) and of nuclear terrorism (the International Atomic Energy Agency (IAEA)), the computerization of criminal justice (the International Telecommunication Union (ITU)), economic crime control (the World Tourism Organization (WTO), the United Nations Industrial Development Organization (UNIDO) and the United Nations Conference on Trade and Development (UNCTAD)), etc.

60. There are other entities of the United Nations system with which collaborative relationships exist or could be pursued, including the United Nations Environment Programme (UNEP) and the Department for Policy Coordination and Sustainable Development (for example, on penal protection of the environment), the Department of Peace-keeping Operations (on training of civil police), and the Departments of Political Affairs and of Humanitarian Affairs (on preventive deployment and emergency assistance), the Office of the High Commissioner for Refugees (for example, on violence against refugees and displaced persons and the impact of migration patterns), the Transfer of Knowledge through Expatriate Nationals (TOKTEN) programme, United Nations Volunteers, and so on. The regional commissions are involved in the programme via the United Nations regional institutes and regional adviser (ESCAP), whose services could usefully be continued or, if possible, expanded to other regions. Progress in the successful implementation of the results of major recent crime and justice-related events, and of the Assembly's recommendations, will depend in no small measure on the cooperation extended by all relevant parts of the United Nations system.

61. Cooperation with intergovernmental organizations was strengthened during the period under review, within the existing logistical (for example, travel) constraints. Contacts were pursued with the Organization of American States and the Organization of African Unity in order to assist the respective institutes, and to assure appropriate follow-up of the Cairo Congress. The programme was represented at some major meetings convened on priority topics, for example, by the Council of Europe (on criminal justice management), the European Union (on urban crime and delinquency), and the Organisation for Economic Cooperation and Development (OECD) (on corruption). A working paper was submitted to the meeting on cooperation between the United Nations and the League of Arab States (Vienna, 19-21 July 1995), which also permitted consultation with the Assistant Secretary-General of the Arab Interior Ministers' Council. Other Arab States events were also attended, such as the symposium on crime prevention (Abu Dhabi, 26-30 November 1994). Close contacts were maintained with INTERPOL, especially on action against organized and economic crime, including traffic in persons for prostitution, offences against minors, terrorism and international cooperation in law enforcement. Collaboration with the International Committee of the Red Cross was also pursued as well as with the Commonwealth Secretariat and the Agence pour la coopération culturelle et technique (Délégation Générale à la coopération juridique et judiciaire).

62. Cooperation with non-governmental organizations (NGOs), especially through ISPAC and the NGO Alliances in Vienna and New York, was further enhanced. The contribution made by ISPAC and its resource committees to training, research and information management, is mentioned above. The annual meeting of ISPA, to be held at Courmayeur, Italy, in October 1995, will provide an occasion for celebrating the Fiftieth Anniversary of the United Nations and for stock-taking, with a view to further developing the modalities for involving professional

organizations and the scientific community organically in United Nations work in the crime and justice field. Perhaps because cooperation between NGOs and the programme is of such long standing, it has an extensive constituency. ISPAC has an impressive membership: many organizations took part in the Ninth Congress, a number of them sponsoring ancillary meetings and other Congress initiatives, and some providing important documentation. Some new links with major NGOs have been forged, for example, the Interparliamentary Union. With the increased importance of NGOs in the United Nations system, this constituency and the scholarly community have a major role to play in channelling relevant information and research results, developing teaching materials, engaging in advocacy and sponsoring fruitful technical assistance activities, as the correctional training initiatives have recently demonstrated. Their partnership could be enhanced with some seed money, and those Governments which have provided much-needed support deserve credit for it. Some United Nations agencies provide NGO funding and could well entertain the possibility of doing so in this field.

IV. RECENT MANDATES AND THEIR PROGRAMME IMPLICATIONS

63. The recommendations of the Ninth Congress, as further concretized by the Commission on Crime Prevention and Criminal Justice at its fourth session and approved by the Economic and Social Council, indicate the parameters of their follow-up and have a number of wider policy and programme implications. The directives for the prospective work are contained in several "omnibus" resolutions and in others dealing with specific aspects.

A. Action by the Commission

1. Congress follow-up

64. In its comprehensive resolution 1995/27 on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted on 24 July 1995 on the recommendation of the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council invited Governments, in their efforts to combat crime and ensure justice, to draw on the resolutions and recommendations of the Ninth Congress. It also approved their follow-up in accordance with their work plans and the United Nations programme planning and budgeting regulations, in the context of the priority themes established for the crime prevention and criminal justice activities. By paragraph 13 of General Assembly resolution 49/157, the Congress was requested to formulate concrete recommendations for improving the effectiveness of the United Nations activities and mechanisms in the field of crime prevention and criminal justice, taking into account the recommendations of the regional preparatory meetings, with particular attention to the operational programme activities.

65. The different parts of resolution 1995/27 correspond to the four main topics of the Ninth Congress, and focus mainly on the action to be taken in pursuance of its recommendations, by the United Nations system, particularly the

Commission on Crime Prevention and Criminal Justice, and other entities concerned.

(a) International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme

66. In response to the acknowledged need to strengthen the operational capacity of the United Nations programme, UNDP, the World Bank and other international, regional and national funding agencies were called upon to support technical cooperation activities devoted to strengthening the rule of law, in cooperation with the United Nations crime prevention and criminal justice programme, including proper coordination and fund-raising efforts. The Secretary-General was requested to further strengthen operational activities in developing countries and countries in transition, by providing advisory services and training programmes and by carrying out field studies at the national level. The cooperation of all the entities concerned was requested in the preparation of manuals and training curricula, and in the organization of courses in the various areas of crime prevention and criminal justice.

67. The development and promotion of mechanisms of international cooperation in criminal matters were called for, including the United Nations model treaties, and model legislation on extradition and other forms of cooperation. In that connection, an intergovernmental expert group meeting was to be convened, with extrabudgetary resources, to explore ways and means of increasing the efficiency of extradition and related forms of cooperation in criminal matters, having due regard to the rule of law and the protection of human rights. That was to include the provision of technical assistance for the development of bilateral and multilateral agreements, based on the United Nations model treaties and other sources, and the drafting of proposed model legislation or agreements on international cooperation in criminal matters, alternative or complementary articles for existing model treaties, and articles for possible model multilateral instruments. A comprehensive report on the subject, with practical recommendations, was to be submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session.

68. An intergovernmental working group was also to be convened during the first two days of the Commission session to study, with the assistance of the Secretariat and input from other relevant entities, the proposal, made at the Ninth Congress, for the establishment of a regional centre, based in Cairo, for training and research in crime prevention and criminal justice for the Mediterranean States, taking into account Economic and Social Council resolution 1994/23 on the criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in this field, and should report to the Commission on the matter.

(b) Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation

69. In this part of resolution 1995/27, the Commission on Crime Prevention and Criminal Justice was requested, in its review of the priority themes, to continue placing special emphasis on the development of strategies for the effective prevention and control of organized transnational crime. The Secretary-General was asked to continue studying the actual situation with regard to such crime, and effective measures for its control, and to assist interested Member States in adjusting their national legislation so as to make the investigation, prosecution and adjudication of organized transnational crime more effective.

70. The Secretary-General and the United Nations institutes for the prevention of crime and the treatment of offenders were requested to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment, with emphasis on needs assessments and advisory services, assistance in the review or redrafting of legislation, development of effective infrastructure, and training of criminal justice and regulatory agency personnel.

71. Measures for the prevention and control of illicit trafficking in motor vehicles were also to be considered, and the views of Governments and relevant organizations sought in the matter. The feasibility of establishing an integrated system for the periodic gathering and dissemination of information on national crime prevention and criminal justice legislation and its implementation was to be determined, with a view to encouraging appropriate alignment in international cooperation through such means as extradition and other modalities of mutual assistance in criminal matters. Close coordination between the crime prevention and criminal justice programme and other relevant United Nations programmes and entities was to be assured, including joint activities and projects.

72. Special concern was expressed about the links between transnational organized crime and terrorist crimes, including their effects and appropriate means for countering them. Information-gathering and ready access to it were called for, as well as the establishment of an open-ended intergovernmental working group, at the fifth session of the Commission, to consider the issue, including envisaged countermeasures such as the drafting of a code of conduct or other legal instrument, and possible placement of the matter on the agenda of the Tenth Congress.

(c) Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections; and the role of lawyers

73. The Secretary-General was requested to promote technical cooperation projects on penal law reform and the modernization of criminal justice administration, particularly with regard to data collection and computerization, the training of law enforcement officials, non-custodial measures and prisoners'

welfare, taking into account the relevant United Nations standards and norms, which were to be disseminated more widely. The Commission was invited to keep the matter of prison conditions under regular review, with the development of efficient information-gathering mechanisms and attention by the sessional working group on United Nations standards and norms.

74. One of the draft action plans that the Secretary-General was requested to prepare, in cooperation with the network of institutes and taking into account other relevant developments and expertise in that field, for submission to the Commission, dealt with international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system. That would require strengthening of the United Nations Crime and Justice Information Network (UNCJIN), as well as the development of the large number of databases that the programme had been requested to establish, expanding its clearinghouse facilities.

(d) Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

75. As recommended by the Congress and the Commission, the Economic and Social Council approved the guidelines for cooperation and technical assistance in the field of urban crime prevention, formulated by the Commission. At the same time, continued study of the effects of criminality in urban areas was recommended, including the possible impact of migratory flows, and preventive measures, using a multidisciplinary approach, and considering recent developments, inter alia, in sociology, psychology, health, criminology and technology, including environmentally sound planning, city planning and housing design. Seminars and training programmes were to be organized on the prevention of crime in urban and other areas, and sound crime prevention strategies developed, capable of being adapted to local conditions, with particular reference to the approaches suggested at the relevant workshops held during the Ninth Congress. Information dissemination for crime prevention was to be fostered, and a manual for public awareness campaigns prepared.

76. Special attention in the resolution was focused on firearms regulation for purposes of crime prevention and public safety, in view of the correlation between easy access to firearms and the high incidence of crimes, suicides and accidents. The Commission, at its next session, was to consider measures to regulate firearms commonly applicable in Member States, such as the prevention of transnational illicit trafficking in firearms, to suppress their use in criminal activities, and to ensure the proper regulation of firearms at both the national and transnational levels. Regular data and information exchange on specific aspects was to be undertaken and a study conducted as a basis for the Commission's consideration of the matter. A phased work plan, submitted by the Commission, was endorsed by the Council. Input from Governments, relevant entities of the United Nations system and other relevant organizations was to be sought, as a basis of recommendations for concerted action, as called for by the Ninth Congress, with the possible formulation of a declaration on the subject. 18/

77. The Congress, Commission and the Council placed major emphasis on the improvement of juvenile justice systems, in line with the United Nations standards in this field, which were to be integrated into the information-gathering process. The situation of children as both victims and perpetrators of crime was highlighted under the crime prevention item, and the elimination of violence against children was to be considered within that priority theme. Enhanced inter-agency cooperation in that respect was to be pursued, including possible joint activities. Relevant technical cooperation projects were to be developed, with appropriate evaluation and follow-up procedures involving entities of the United Nations system, including advisory services for legal and justice reforms and alternative measures for the treatment of juveniles to curtail their detention.

78. The Secretary-General was requested to ascertain the views of Member States on the elaboration of an international convention on the illicit trafficking of children as a particularly reprehensible form of transnational organized crime, and to convene an expert group on the prevention of "sex tourism", if extrabudgetary resources permitted. A programme of action was to be elaborated to promote the application of United Nations standards on juvenile justice and relevant United Nations human rights norms. A report on the implementation of that and other recommendations was to be submitted to the Commission at its fifth session. The in-sessional working group of the Commission on standards and norms was to seek ways of promoting practical activities, including training, research and advisory services, with a view to preventing and eradicating violence against children.

79. The elimination of violence against women was also deemed to be a priority issue. A draft plan of action on the matter was to be prepared, for submission to the Commission at its fifth session and consideration by the in-sessional working group. For that purpose, also, the views of Governments and relevant United Nations entities were to be sought, including the Fourth World Conference on Women, to which the Ninth Congress resolution on that subject was to be submitted. The draft plan of action was intended to provide practical, action-oriented suggestions on how the problem of violence against women was to be addressed, including legislative action, research and evaluation, technical cooperation, and other possible crime prevention and criminal justice measures. (Strategies for Confronting Domestic Violence: A Resource Manual now available only in English, is to be issued also in the other official languages, if extrabudgetary resources permit.) The United Nations institutes were invited to undertake and promote practical activities designed to reduce violence against women, such as training and advisory services, and to submit a report on that subject to the Commission.

80. The Ninth Congress, under this agenda item, also dealt with the overall question of crime victims. It expressed its concern about their plight and urged the full use and application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and intensified action for the protection of and assistance to victims at the national and international levels, including training, action-oriented research, ongoing information exchange and other means of cooperation in this field. The Council, on the Commission's recommendation, requested the Secretary-General, in resolution 1995/29, to seek the view of Member States and relevant organizations

on the possible preparation of a manual on the use and application of the Declaration.

2. Other resolutions on priority themes

81. The Economic and Social Council, on the Commission's recommendation, also adopted seven other resolutions related to the priority themes for the period 1992-1996: (1) national and transnational crime, organized crime, economic crime (including corruption and money-laundering), and the role of criminal law in the protection of the environment; (2) urban crime, juvenile crime and violent criminality, and (3) efficiency, fairness and improvement in the management and administration of criminal justice.

82. With regard to the first priority theme, and in pursuance of the decisions of the World Ministerial Conference held in November 1994, the Council, on the recommendation of the Commission, adopted resolution 1995/11 of 24 July 1995 on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. It emphasized the need for strengthened and improved international cooperation at all levels, and for more effective technical cooperation to assist States in their fight against transnational organized crime, including the review and reform of their legislation and other measures, in accordance with practical models and guidelines, expert advisory services and needs assessment; collation of relevant provisions and experience; and training and capacity-building, especially for the development of the requisite criminal justice infrastructure and human resources. The separate report requested by the General Assembly in its resolution 49/159 on the follow-up to the Naples Conference and submitted to the Assembly at the current session in document A/50/433 contains further information on this subject.

83. Joint efforts were also urged, drawing on the contributions of relevant organizations and mechanisms, to reinforce common regulatory and enforcement strategies against money-laundering, including appropriate technical assistance, needs assessment in treaty formulation, and development of criminal justice infrastructure and human resources. The possible formulation of an international convention against organized transnational crime and a training facility to upgrade the skills of law enforcement and judicial personnel in fighting it, was also being explored.

84. In order to combat a serious organized crime problem, the Council adopted resolution 1995/10 of 24 July 1995 on Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries, in violation of international standards and national laws and without regard to the safety, well-being and human rights of the migrants. It requested States and relevant international organizations to coordinate their law enforcement activities and otherwise cooperate to pursue those engaged in the smuggling and transport of such human cargo; to provide technical assistance to countries in developing and implementing policies to prevent and criminalize clandestine traffic in illegal migrants, and to punish its organizers, enhancing the professional skills of the personnel concerned. The matter was to remain under the continuing scrutiny of the Commission and the international community.

85. In its resolution 1995/14 of 24 July 1995 on action against corruption the Council welcomed the results of the special plenary meeting held during the Ninth Congress on experiences in and practical measures aimed at combating corruption involving public officials, and outlined a number of further steps to be taken. States were urged to develop and implement specific and comprehensive anti-corruption strategies to enhance accountability, by adopting and enforcing civil, administrative, fiscal and criminal law measures, emphasizing, inter alia, transparency and fairness, including legislation to regulate and sanction corrupt forms of corporate behaviour; to provide for the forfeiture and/or confiscation of proceeds derived from corrupt practices; and to increase their capacity for the prevention, detection, investigation and prosecution of such practices by promoting public awareness, strengthening their criminal justice systems and establishing independent bodies for the prevention and control of corruption. Increased and improved international cooperation was urged for the prevention and control of corruption, including arrangements for extradition, mutual legal assistance, the sharing of information and the collection of evidence. The Secretary-General was requested to cooperate and coordinate action with other entities of the United Nations system and other relevant organizations in undertaking, and maximizing the effect of, joint activities for the prevention and control of corruption. The Secretary-General was also asked to review and expand the manual on practical measures against corruption, with a view to increasing its use in advisory services, training and other technical assistance activities. The draft international code of conduct for public office holders was to be finalized in the light of the comments received from Governments, and submitted to the Commission at its fifth session for consideration and action. The Secretary-General, in cooperation with the United Nations institutes, was to study the effects on anti-corruption strategies, as a basis for a comparative review of the most effective practices, and the development of appropriate training and awareness curricula. States, international organizations and financing institutions were called upon to extend their full support and assistance in the implementation of the resolution.

86. In its resolution 1995/9 of 24 July 1995, the Council formally adopted the Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention, and requested the Commission to ensure their publication and consider practical ways of ensuring follow-up for their use and application. The Secretary-General was requested to transmit the Guidelines to the United Nations Conference for Human Settlements (Habitat II). UNDP and other relevant United Nations entities and international financial institutions were urged to include projects dealing with urban crime prevention in their technical assistance projects. Governments, and the United Nations institutes, were invited to take them into account and to report to the Secretary-General on their experiences.

87. With regard to the United Nations standards and norms in crime prevention and criminal justice, and technical cooperation in this field, on the Commission's recommendation reflecting the work of the in-sessional working group on the subject, the Council adopted resolution 1995/13 of 24 July 1995, in which it underlined the importance of United Nations standards, norms and guidelines developed in that field; stressed the need for coordination of the relevant activities with other United Nations entities concerned; and requested

the Secretary-General to continue to promote the use and application of the United Nations standards and norms, inter alia, by providing assistance to Member States in criminal justice and law reform, and organizing seminars to train law enforcement and criminal justice personnel. The progress made in the implementation of the next group of norms, on juvenile delinquency prevention and juvenile justice, was to be gauged, followed by a review of those on non-custodial measures, the role of prosecutors and the role of lawyers.

88. Under technical cooperation, there are two major sets of recommendations. In resolution 1995/15 of 24 July 1995 on technical cooperation and interregional advisory services in crime prevention and criminal justice, the Council welcomed the call of the Ninth Congress for intensified efforts to strengthen the rule of law through international cooperation and practical technical assistance, and reaffirmed the high priority attached to them as a means for responding to the needs related to both national and transnational crime and the goal of preventing crime and improving the response to it. The Council stressed the importance of continuing to improve the operational activities of the United Nations crime prevention and criminal justice programme, particularly in developing countries and countries in transition, through advisory services and training programmes, field studies and action-oriented research at the international, regional, subregional, national and local levels. UNDP, the World Bank and other international, regional and national funding agencies were urged to support technical cooperation projects in crime prevention and criminal justice, and all relevant entities, to cooperate with the United Nations crime prevention and criminal justice programme in such activities. The Secretary-General was asked to facilitate joint activities and the joint formulation and implementation of technical cooperation projects, and to recommend the inclusion of the re-establishment and reform of criminal justice systems in peace-keeping operations. The Council called for strengthening both the regular and extrabudgetary resource base for activities in that field.

89. To help rationalize the provision and utilization of international and bilateral aid, and to improve the clearing-house capacity of the United Nations crime prevention and criminal justice programme in that regard, the Council adopted resolution 1995/12 of 24 July 1995 on the establishment of a clearing-house for international projects in the field of crime prevention and criminal justice, including a regional database on collaborative training and technical assistance projects in Central and Eastern Europe, ongoing, planned or concluded, as a pilot project for the establishment of such databases for other regions and/or internationally.

90. The Commission on Crime Prevention and Criminal Justice adopted three further resolutions. The first on succession of States in respect of international treaties on combating various manifestations of crime, affirming that they would be bound by the obligations previously assumed in that respect, and requesting the Secretary-General to prepare a report on the subject for the consideration of the Commission. On the development of Minimum rules for the administration of criminal justice, the Secretary-General was requested to seek further comments from Member States. Finally, to further enhance the efficiency of its work, and in pursuance of a similar earlier initiative, the Commission adopted a resolution on the Provision of information in accordance with the plan for the strategic management of the United Nations crime prevention and criminal

justice programme by the Commission, to include specification of the tasks involved in proposed activities, their phasing, the available resources, commitments and expected outcome.

B. Programme implications

91. The recent mandates entrusted to the crime prevention and criminal justice programme expand the scope of United Nations responsibilities in this field significantly. They call for the development of an empirical base of knowledge on the nature, dynamics and operations of new sophisticated and diversified forms of transnational organized, economic and environmental crime that pose a particular threat, and on their linkages with terrorist violence, corruption and money-laundering. Better knowledge of these interrelationships and constellations, and of their trends, as reflected in the now biennial world crime surveys that include these aspects and criminal justice responses, should guide future efforts at prevention and control in a more rational and cost-effective way. The resolutions and recommendations addressed to Governments have not been highlighted in the present document: if implemented, however, they will enhance not only national capabilities but also the overall response of the international community to a world scourge and prevent it from making further inroads.

92. But additional steps are needed to ensure that concerted action would match or, preferably, exceed the collaborative potential of transnational crime. For that purpose, more effective international mechanisms are called for to assist States and to facilitate such action. The updating and alignment of national legislation, use of modern investigative techniques, drawing on scientific advances, upgrading justice systems and personnel skills, are all part of this effort, but it requires more - formal agreements (including possible conventions) and practical arrangements for cooperation by the services concerned, with the United Nations as the facilitator.

93. In addition to strengthening and expanding certain areas of activity, new ones have been identified for intensive follow-up such as the problem of firearms control, traffic in women and children, including sex tourism, automobile theft and a number of others. In certain instances, a set of guidelines has to be finalized, drawing on governmental and other input, widely diffused and used as a training aid (for example, draft international code of conduct for public office holders and the manual on practical measures against corruption). Monitoring of the application of the United Nations standards has to be improved, including field studies and development of model implementing legislation.

94. In the latter case and some others, the convening of in-sessional working groups will pose additional organizational and servicing demands. The transfer to Vienna of the responsibility for the technical as well as substantive servicing of the Commission and the Congress will add to the workload and require a special unit. It is hoped that its creation will further enhance the assistance rendered to the Commission.

95. At the same time, operational activities are to be expanded significantly and a solid base for technical cooperation and assistance established, to strengthen the programme's role as a service provider, as well as an honest broker in putting prospective donors and clients in touch, promoting international exchanges, coordinating regional and interregional action, etc. This will necessitate a reliable, comprehensive database, in addition to that previously requested to match training needs with available facilities, and for expert referrals. The savings likely to accrue from diminished overlap and improved coordination warrant the initial outlay. Like the other databases to be established, access to relevant information of this kind is in itself a major form of technical assistance. The recent transfer of UNCJIN to Vienna should, on the one hand, facilitate its provision but, on the other, imposes an additional onus on the small programme staff.

C. Further tasks

96. The spectrum of tasks to be fulfilled in the near and longer term has been traced in the previous sections. It is clear that, even with careful prioritizing, they represent a major undertaking, involving more frequent worldwide crime surveys and studies of complex issues, such as the factors contributing to and impact of urban crime. More effective strategies must be devised against recalcitrant problems, such as rapidly escalating organized, economic and environmental crime, and action efforts pursued at multiple levels - international, regional, national and, with the trend towards decentralization, local as well. There are several action plans to be developed and/or implemented, in addition to giving effect to the Naples Global Action Plan. UNCJIN and clearing-house facilities have to be expanded and various databases established to meet the necessities of the information age and permit all countries to profit from its technological advances. United Nations standards have to be concretely applied, using some prototypes, and international agreements and arrangements against crime effectuated, including possible conventions. Technical assistance of all kinds must be provided on the whole range of problems related to crime and justice, helping not only to assess the needs but also to formulate concrete programmes and projects for implementation. Some envisaged directions of this work are outlined below, taking account also of other possible actors and stakeholders, and the acknowledged desirability of innovative approaches and new partnerships.

V. STRENGTHENING PROGRAMME CAPACITY

97. In its resolution 49/158 of 23 December 1994, the General Assembly reaffirmed the high priority of the United Nations crime prevention and criminal justice programme, and the need for an appropriate share of the existing United Nations resources for the programme. It requested the Secretary-General, as a matter of urgency, to give effect to the relevant resolutions of the Assembly and the Economic and Social Council by providing the programme with sufficient resources for the full implementation of its mandates, and to build and maintain the institutional capacity of the programme to respond to requests of Member States for assistance in that field, if necessary through the reallocation of resources. Accordingly, and upon the Assembly's renewed request to upgrade the

Crime Prevention and Criminal Justice Branch of the Secretariat to a division, the Secretary-General, in his programme budget proposals for the biennium 1996-1997, included such an upgrading and a very modest increase in the staffing of the programme (two P-3 posts). Considering that under section 13 of the programme budget, outlining its activities, the Secretariat unit disposed of only 0.1 per cent of the overall United Nations resources, this is considered a bare minimum that still does not redress the acute imbalance in the amount of work to be done vis-à-vis the means for doing it. 19/

98. Indeed, that significant efforts could be made in assisting States, in addition to carrying out the regular programme functions and organizing special events, such as the Naples Conference and the Cairo Congress and their preparatory activities, was due largely to the generosity of some Governments, which have provided the services of associate experts and some modest funding. Nevertheless, taking into account the additional mandates deriving from the World Ministerial Conference and the Ninth Congress, as articulated by the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, and the calls from the General Assembly itself, as well as the extensive crime and justice-related needs facing countries throughout the world, a careful assessment of the steps to be taken is necessary in order to optimize and supplement programme capabilities in this critical but often neglected field whose relevance is often most apparent when matters have got out of hand. At that stage, effective assistance can usually not be rendered, and institution-building, social peace, economic investment prospects and sustained developmental progress are jeopardized.

99. If, indeed, a more propitious context for human development and global stability is to be created, then the relative marginalization of these aspects must end. For even the best efforts to achieve synergy require basic elements that can be combined for maximum impact, and coordination is largely futile if it is mainly a one-way street. This has all too often been the experience with activities in this area, in spite of repeated calls to all entities of the United Nations system to cooperate in them, and to the funding agencies to provide the requisite support. Thus, the United Nations crime prevention and criminal justice programme has tried to make do with its limited means and sought to explore various possibilities. But the process of fund-raising itself is labour-intensive and time-consuming; the sheer pressure of work and paucity of staff have prevented a systematic resource mobilization effort, with model project formulation and potential donor sensitization. The programme is still insufficiently known: its visibility and potential must be enhanced. This requires a joint effort. It is hoped that more Member States will take the necessary action to give practical effect to statements declaring their political will, and that the international community as a whole will rise to the challenge of creating a more peaceful and secure world.

A. A proper place in development assistance

100. That technical assistance activities could be expanded during the past year is due mainly to the operational opportunities afforded by the interregional adviser posts and related funds. These have been strategically deployed to meet priority requests and respond to training needs expected to produce a multiplier

effect. Some inputs have been provided for collaborative initiatives which could profit from crime prevention and criminal justice expertise. The fact that this expertise was repeatedly sought attests to its usefulness. Among its major advantages are the technical, non-politicized and flexible nature of the assistance provided. In some cases, it represented a beginning; in others, an essential complement to ongoing initiatives. In all areas, it fulfilled a pressing need. However, even at best, resource constraints and the very nature of international adviser functions precluded more than start-up activities, which usually tackle only the tip of the iceberg and soon reveal the extensive needs below. If the programme is to engage in more ambitious service delivery to meet the expectations and aspirations of Member States, as called for in General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, then it must have greater leverage and the capacity not only for one-time "pre-investment" missions (for which investments may never come), but also for larger ones requiring substantial resources and continuing support. This is particularly the case since activities, and requirements, in this area, are interrelated, necessitating a systemic approach.

101. This approach could well be followed in national development endeavours and in UNDP country programming exercises. Specific needs could then be tackled in this context, taking account of the kinds of assistance available and further help to be provided, including both multilateral and bilateral initiatives. The crime prevention and criminal justice programme can render a major service by promoting such an integrated approach, developing specific assistance packages that could be financed by international funding agencies or interested donor countries, and by coordinating such aid.

102. But to render effective aid requires a recognized place in the mainstream of United Nations development assistance. In his recent report to the Governing Council, the Administrator of UNDP noted new areas for UNDP aid, such as assistance in the reform of criminal codes and access to due process. As indicated above, UNDP country programmes, for example for the Baltic States, approved by the Governing Council, include crime prevention and criminal justice reform and judicial training, 20/ reflecting the priority attached by countries in transition to this aspect, as indeed by many developing ones, judging from the proliferation of requests. However, since the UNDP basic needs questionnaire does not include this problem area, and countries or other entities are often unaware that this United Nations programme exists, including national planning offices charged with formalizing technical cooperation projects, its potential contribution is apt to be ignored and its inclusion in country programmes, with their competing priorities, unlikely or chancy at best. A clearer identity and higher profile of this sector, and information on the United Nations assistance possibilities in this field, should help to correct this lacuna, as would its integration into national and international technical cooperation planning. But it also requires recognition of the relevance of this area not merely as a recurrent overhead but as a field for development to investment, and adequate means to provide meaningful aid.

103. The Secretary-General and some heads of State have recently emphasized the high priority they attach to crime prevention and criminal justice, 21/ as indeed did the General Assembly, in paragraph 10 of resolution 49/158, in

requesting the Secretary-General "to facilitate, as appropriate, the creation of joint initiatives and the joint formulation and implementation of technical assistance projects, benefiting developing countries and countries in transition, involving interested donor countries and funding agencies, particularly the United Nations Development Programme and the World Bank, with a view to establishing and maintaining efficient [crime prevention and] criminal justice systems as an essential component of developmental efforts".

104. The new UNDP programming procedures and country execution arrangements are intended to permit more flexibility in resource allocation than the previous, fixed indicative planning figure (IPF) system. 22/ New initiatives to make assistance more dynamic and more relevant are being pursued. In this context and in the thematic approach to programming, this area, directly relevant to stability and sustained growth, merits greater attention, especially since it is closely related to the UNDP principal goal of promoting sustainable human development. The importance of security, as an enabling environment for development, and of personal safety as an essential element of human well-being, has been highlighted in the World Summit for Social Development and in the Human Development Report. 23/ In the pursuit of a people-centred approach to development that is in large measure oriented to the creation of institutional capacities, a participatory civil society and human resources development, technical cooperation in this key area assumes a crucial role.

105. In the "creative phase of dynamic programming", which UNDP is to pursue, adjusting it to changing situations and avoiding disruptions, crime prevention and criminal justice requirements could profitably be included at all stages, starting with the country strategy notes, 24/ through country profiles, the cooperation frameworks and programme support documents, to the mid-term reviews and final evaluations. This would help to advance institution-building and good governance, as well as "preventive and curative development". 25/ Support in the implementation of the recommendations of major United Nations conferences held since 1992 is to be provided, building on the consensus achieved, and some task forces and working groups have already been established to coordinate follow-up and assist countries in meeting the commitments they made in the programmes of action adopted by these conferences. Such a task force or working group could usefully be established and appropriate follow-up provided to the Global Action Plan adopted by the Naples Ministerial Conference and the decisions of the Cairo Congress. This would also be in line with the UNDP proposed shift to strategic interventions focusing on major development issues or themes, especially since this one is pertinent in two major ways: by its very content as a priority area for assistance, 26/ and as a means of ensuring the integrity of technical aid, including both personnel security and quality control (for example, prevention of aid diversion through corruption and fraud).

106. It is also hoped that the special UNDP fund, to be set up in accordance with the recommendations of the Joint Inspection Unit (JIU), to help Governments identify their countries' real needs, select priority sectors, formulate framework programmes and coordinate external assistance, 27/ will be available for crime prevention and criminal justice activities, and that the projected training activities and multi-disciplinary, multisectoral teams will include this area of concern and relevant expertise. In view also of the UNDP

intent to reduce and mitigate emerging development crises deriving from the rapidly changing socio-economic environment, which would include reconstruction and rehabilitation efforts, the provision of an appropriate legal framework and development of crime prevention and criminal justice capacities should rank high on the list. Crime-related exigencies could usefully be taken into account in resource mobilization targets (RMT) and strategies, as a critical component in the target for resource assistance from the core (TRAC) exercises. This is also true in the exchange of operational experience, technological innovation and action-research, including pilot and demonstration schemes, as well as information exchange.

107. TCDC, particularly with its new directions, as traced by the High-Level Committee in its review, 28/ offers viable prospects for the cross-fertilization of expertise and experience in an area in which few countries are really "developed", and where indigenous approaches have a major contribution to make. The crime prevention and criminal justice programme, including its network of institutes, could usefully be included in the new combined promotional and operational TCDC activities, and priority undertakings such as the replication of successful innovative projects, development of subject-specific TCDC products, promotion of joint strategies to deal with the problems faced by groups of countries, and mobilization of support, including triangular cooperative arrangements. Relevant input could also be included in the Information Referral System for Technical Cooperation among Developing Countries (INRES).

108. Other international funding agencies, such as the World Bank and the International Development Association (IDA), have been called upon repeatedly to provide support for efforts related to crime prevention and criminal justice, but so far to little avail. Yet, the Bank has some relevant activities, especially in the Urban Management Programme (both its own and the UNDP one it supports), and has given prominent attention in its publication Urban Age to violence and crime problems. It has long been concerned about corruption. The pernicious effect of transnational organized and economic crime, including money-laundering, on the world's financial health and investment climate makes a concerted response long overdue. The Bank and other Bretton Woods institutions, along with all relevant United Nations entities, have the possibility and, indeed, the mandated task of supporting this effort. Since a specific United Nations programme in this field already exists, rather than starting anew they can profitably join forces to strengthen international capabilities in this respect. This is true also of the regional development banks 29/ and financing institutions, as well as other regional and international organizations.

B. Role in peace-building and emergency assistance

109. The pivotal importance of crime prevention and criminal justice in peace-keeping and post-conflict nation-building has been mentioned above, and some initiatives taken were cited in this context. The increased challenges facing United Nations peace-keepers in the "new breed of intra-State conflicts", that have largely replaced inter-State wars, are noted in An Agenda for Peace 1995, which points out that they are also fought by militia and armed civilians

with little discipline, and that civilians are the main victims and often the main targets: "Another feature of such conflicts is the collapse of State institutions, especially the police and judiciary, with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos. Not only are the functions of government suspended, its assets are destroyed or looted and experienced officials are killed or flee the country. ... social peace is as important as strategic or political peace... There is an obvious connection between democratic practices - such as the rule of law and transparency in decision-making - and the achievement of true peace and security in any new and stable political order". 30/

110. The United Nations crime prevention and criminal justice programme can render an invaluable service by helping to restore the rule of law and the required public institutions, among which a functioning justice system is essential. 31/ It can also be drawn upon more widely in training civilian police, using the United Nations criminal justice standards, especially if it is translated into local languages (a Serbo-Croat version of the "Blue Book" already exists). These needs are often communicated to local agency personnel (for example, UNHCR, human rights monitors), who may be unaware that they fall within the competence of a specific United Nations office whose services could be enlisted. Mission chiefs and other key personnel could be informed of the availability of this resource and its systematic collaboration enlisted from the start.

111. This holds true for other United Nations operations, designed to render humanitarian assistance, where a propitious environment is essential and the safe delivery of goods and services to target populations the very purpose - too often threatened by disruptions and the illegal diversion of aid. This is often the case after natural or man-made disasters when order breaks down. A crime prevention, criminal justice and victim assistance component in these operations, especially in "complex emergencies", and ongoing cooperation could enhance such aid appreciably.

112. This is also true for emergency preparedness, including early warning systems and, increasingly, "preventive diplomacy" to forestal conflict escalation likely to erupt and create human disasters. In some places (for example, the Former Yugoslav Republic of Macedonia), assistance in "preventive development" is being rendered. In acute situations, crisis intervention teams can be dispatched and help provided in defusing tensions. 32/ Longer-term conflict resolution, actively promoting the culture of peace, requires recognition of possible wrongs inflicted and some measure of redress, since the quest for justice is an imperative of peace-building and sustainable development. 33/

C. Information management and transfer of knowledge

113. In order to consolidate available information on technical cooperation provision and needs, as a guide to informed decision-making and aid coordination, the Economic and Social Council, in resolution 1994/22 of 25 July 1994, called for the establishment of a technical assistance database (as part of the crime prevention and criminal justice programme's clearing-house

facilities). A questionnaire on the assistance provided bilaterally or multilaterally has been prepared. 34/ Relevant information is being collected from the United Nations institutes, some of which already have regional or subregional databases of this kind (for example, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)) or are developing them (for example, the European Institute for Crime Prevention and Control (HEUNI). HEUNI has been requested by the Commission to develop such a database as a pilot project for countries of Eastern and Central Europe, which, it is hoped, to be expanded to other regions for a worldwide service.

114. Elements of a global programme clearinghouse already exist, including UNCJIN, which is accessible to all of the estimated 35 million users of the Internet. With its two complementary components, UNCJIN provides a forum for the exchange of information on crime prevention and criminal justice. The first is an electronic discussion list of over 750 members from over 40 countries. The second is a World Wide Web database site containing thousands of pages of information and providing connections to all major criminal justice reference sources. With the assistance of the United States National Institute of Justice, a United Nations On-line Crime and Justice Clearinghouse (UNOJUST) prototype has been developed which will expand the capabilities of UNCJIN to incorporate material from the affiliated and associated institutes. A computerized roster of experts is operational and continuously being updated. A database containing the results of the global crime surveys, which now also include information on transnational crime, is being expanded with information on current and projected trends, 35/ and material from victimization surveys. In connection with the work requested in priority areas, data collection and dissemination on a number of subjects are under way. Some 15 databases are also envisaged: some already exist; others need to be established. The Ninth Congress gave major attention to computerized data collection and the exchange of information, with impressive demonstrations and discussions that aroused lively interest. Further to the concerns addressed at the Congress, a meeting of the World Criminal Justice Library Network (Villingen-Schwenningen, Germany, 12-15 April 1995) was held, under the auspices of ISPAC, to promote the integration and availability of relevant library resources with a view to addressing the needs of police research and training institutes.

115. Advances in computerized translations should offset existing linguistic constraints and further increase the usability of the available information. 36/ A major problem continues to be the lack of computer equipment and Internet access in developing countries and some of those in transition. Through the good offices of the UNDP European regional programme and the United States National Institute of Justice, some assistance in this regard has been rendered to Eastern European States, but elsewhere the needs are still acute, especially in the least developed countries, whose overall requirements in this field have been gauged through a special questionnaire. UNDP and other funding agencies can render a precious service by providing the necessary equipment and linkages, especially for UNAFRI, which is trying to meet the needs of countries of the region in this and other respects under tight constraints. 37/

D. From coordination to partnerships

116. The collaborative activities undertaken during the year were noted earlier. Though coordination has been enhanced and joint initiatives have multiplied, much still needs to be done to develop a comprehensive network of systematic relationships that will exploit the potential of this United Nations programme and its professional contributions in key areas. This evidently requires some outreach efforts to sensitize other United Nations entities to what the programme has to offer. Efforts are being made, for example, to enhance cooperation with UNDP as coordinator in the development and implementation of Capacity 21 (capacity-building initiatives arising from chapter 37 of Agenda 21 of the United Nations Conference on Environment and Development). A draft monograph on capacity-building in criminal enforcement of environmental law has been prepared jointly by the Branch and UNICRI, with the assistance of national experts. Other United Nations entities also have to be reached. But this requires concrete possibilities, and the means and time to pursue them, as coordination is a major task in itself.

117. This is so even more since the aim, increasingly, more than mere coordination, is to establish effective partnerships that would help to realize common aims. However, true partnerships require, if not equality, then at least some measure of parity in leverage. The United Nations crime prevention and criminal justice programme is suffering from a lack of visibility, which is due largely to its inadequate status. It is hoped that in the future its expertise and experience will be enlisted more widely to advance common aims. The programme stands ready to pursue joint initiatives in order to create a network of strategic partnerships and coalitions in key problem areas, which will be of mutual benefit and enhance the work of the Organization as a whole.

E. Harnessing the means

118. The gulf between the scope of the work to be done to make a measurable difference in the problems related to crime and the administration of justice afflicting most countries and the world at large, and the paucity of means for this purpose, has been a recurrent theme. That some reinforcement of the capacity to render much-needed aid has been effected, and the priority of these concerns recognized, is a welcome development. It comes at a strategic time when United Nations achievements and priorities are being re-examined, and ways of enhancing its contributions to global peace and progress systematically explored. Yet, through the confirmations of the Organization's unique contributions and crucial role runs the leitmotif of inadequate funds for its various operations. They have been signalled in the Secretary-General's annual reports. Political and financial constraints have curtailed the payment of assessed national contributions, and donor fatigue, competing priorities and reliance on bilateral aid have reduced funds earmarked for technical assistance. A number of proposals have been put forward by concerned States and international forums 38/ to redress this imbalance, which could well be pursued.

119. All this, admittedly, necessitates careful cost-benefit analysis of the value obtained from investments in the different sectors and United Nations

programme areas. It also requires critical reassessment of the hierarchy of commitments for which support is pledged, with a view to mobilizing enough "venture capital" to create global conditions of security and a climate of confidence without which other investments may founder. In this context, support of crime and justice-related efforts and of this United Nations programme acquires special relevance. It may fulfil a larger purpose, increasing the pay-off from a whole range of other investments that might otherwise be diverted or dissipated. In this sense, crime prevention and criminal justice expenditures can have a developmental significance and a multiplier effect far beyond the modest sums expended.

120. That this fact is not yet fully appreciated is clear from the precarious situation of the United Nations Crime Prevention and Criminal Justice Fund. A few countries have been its mainstay, especially Italy, which has contributed most generously in cash and in kind, and some of the other host countries of the United Nations institutes. The associate experts offered by some States have been an invaluable resource. The generous support in hosting major United Nations meetings, such as the Naples Ministerial Conference and Cairo Congress, contributed to their success. But, if their impetus is to be sustained, adequate follow-up must be assured and the means for it provided. The eloquent statements and consensus of the recent United Nations global crime conferences deserve to be translated into practical reality as a demonstration of the political will of States to reverse an ominous trend. The very emphasis placed on practical aspects of the work, especially on technical assistance, deserves no less.

121. The next Pledging Conference for Development provides an opportunity for a concrete demonstration of the commitments made. The Director-General of the United Nations Office at Vienna, on 8 August 1995, addressed an appeal to Member States urging them to make contributions to the Fund. The response will affect the level of services which can be provided. The General Assembly's own actions at this historical junction will also determine the outcome. As the United Nations system considers its own restructuring and revitalization, and as it engages in strategic planning for the rest of the century and for the years to come, it should give proper attention to those factors which most impinge on human well-being and the prospects of sustainable human development - its declared aim. Since crime and violence top the list of public and governmental concerns in many of the world's countries, some international parallels cannot be avoided, especially with the continuing expansion of both transnational and national crime.

122. In addition to serious consideration of this aspect in proposed resource allocations, some specific initiatives might be envisaged to expand the resource base, especially for technical cooperation activities in this field. This includes the donor "round-tables" convened for certain countries and problems, where crime and justice aspects could well be included, as they were in the round-table on the mid-point review of the Rwanda operation. Donor conferences to consider specific project proposals in crime prevention and criminal justice for targeted countries or groups of countries are also planned, as well as those with a regional and interregional scope. 39/

123. Further efforts are envisaged to mobilize additional funds, especially for operational activities, to meet the mounting needs and expectations of Member States, but it is no easy task, especially in the prevailing financial climate. In so doing, it is intended to build on the advisory services and new fellowship programme, and to strengthen outreach activities, including those of the United Nations institutes. The alumni networks built up by some of them, especially the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), with many of them in policy-making positions, are a valuable resource, especially if adequately supported, as the UNAFEI alumni network is by the Asia Crime Prevention Foundation. 40/ It is hoped that, with comparable support, functioning networks can also be developed in the other regions serviced by the United Nations institutes (HEUNI already has a fellowship programme, ILANUD, a network of "associated experts" and UNAFRI, a growing number of former trainees). Combined with the system of "national correspondents", UNCJIN users, collaborating centres and organizations, and individual experts, this represents an extensive network, but it has to be fully activated, and that requires at least some funding. It is proposed to explore private sector financing for this purpose and for others, but this again requires a systematic effort that cannot readily be fielded by the meagre programme staff.

VI. CONCLUDING REMARKS

124. The past year was a significant one in the history of the United Nations crime prevention and criminal justice programme, which is almost as old as the Organization itself, but which is called upon to meet the unprecedented challenges that crime in its new forms and dimensions poses to the world. The major events celebrated during this period, the Naples Ministerial Conference, the Ninth Congress, the Commission, revealed a remarkable unanimity about the seriousness of the situation and the increased expectations of effective international cooperation and assistance in remedying it.

125. The provision of some means for operational activities has permitted their expansion to the extent possible in response to the multiplying requests from countries and needs of the international community as a whole. Although much has been done, much more remains to be done for improved crime prevention, greater justice and effective international cooperation against the mounting threat of transnational crime. The rising toll of violence linked to civil strife, terrorism and ordinary street crime, and the price exacted by organized, economic and environmental criminality, have jeopardized some of the gains of development and undermined future prospects. It has become clear that security and justice are indispensable conditions for sustained development and human well-being, and for both national and world progress. The quest for their attainment necessitates the inclusion of these aspects as essential elements of the United Nations agenda for peace and development.

126. It also requires a concerted effort by the United Nations system and by Governments to give practical effect to the pronouncements of the major meetings held during the past year. The United Nations crime prevention and criminal justice programme has the responsibility of providing leadership and services in this field. It is committed to so doing. The Fiftieth Anniversary of the

United Nations is not only a historical milestone but also a springboard for new insights and opportunities. As the Organization redefines and reinvigorates its role to meet the challenges ahead, a strengthened presence and repertory to assure the rule of law and democratic governance may ultimately determine its moral authority and efficacy as a guardian of global viability and basic human rights.

Notes

1/ According to recent forecasts, the world's population will have more than quadrupled this century, reaching nearly 7 billion by the year 2000, and a projected 8.5 billion by 2025, of which 6.5 billion are likely to be living in poor areas, with approximately two thirds in the urban slums of the developing world. The greatest population increase will be in the 15-25 age group, which is the most highly crime-prone. It is estimated that, even if the crime rate remains stable, crime will increase in proportion to increases in these high-risk groups.

2/ The component on the re-establishment of the criminal justice system, introduced during the Somalia mission, was insufficient to counter the situation which had escalated beyond control. The Foreign Minister of Australia noted in his analysis of the United Nations Transitional Authority in Cambodia operation in Cambodia, "It now seems clear that the Paris Agreements should have included specific measures for building a functioning criminal justice system and post-conflict peace-building exercise, as the rule of law and the institutions needed to support it had clearly broken down in Cambodia" (Gareth Evans, Cooperating for Peace: The Global Agenda for the 1990s and Beyond (Allen and Unwin, 1993)). It is likely that the relative success achieved by UNTAC was in no small measure due to the adoption, in September 1992, of provisions relating to the judiciary and criminal law and procedure applicable to Cambodia during the transitional period which sought to ensure respect for human life, human rights and property and to apply penalties in their enforcement.

3/ Boutros Boutros-Ghali, Building Peace and Development 1994: Report on the Work of the Organization (United Nations publication, Sales No. E.95.I.3), para. 94.

4/ "The global neighbourhood of the future must be characterized by law and the reality that all, including the weakest, are equal under the law, and none, including the strongest, are above it". Our Global Neighbourhood. The Report of the Commission on Global Governance (New York, Oxford University Press, 1995), chap. 7. "A call to action: strengthening the rule of law", p. 347.

5/ See also Lucio Ghia, The Future of Peace Keeping, World Jurist Association, April 1995.

6/ See also the report of the Conference (A/49/748).

7/ Organized under the United Nations crime prevention and criminal justice programme in January-February 1994; some further ones were organized, for example, by the Group of Mediterranean States.

8/ Official Records of the Economic and Social Council, 1995, Supplement No. 10.

9/ A/CONF.169/15 and Add.1.

10/ Ibid.

11/ E/1995/78 and Add.1 and Corr.1.

12/ For example, Estonia (see DP/1995/16, para. 16).

13/ For example, Latvia (ibid., para. 80).

14/ See also the report of the Secretary-General on the United Nations Mission in Haiti (S/1995/614), pp. 7-8.

15/ A number of reports are based on government responses, and a series of notes verbales have been sent out to elicit the required information.

16/ Human Rights and Pre-trial Detention. A Handbook of International Standards Relating to Pre-trial Detention, Professional Training Series No. 3 (United Nations publication, Sales No. E.94.XIV.6).

17/ E/CN.15/9 and Add.1.

18/ During the second half of 1995, the Crime Prevention and Criminal Justice Branch, in cooperation with the United Nations institutes, are to collect data and information on firearms regulations in selected countries, utilizing a team of national coordinators and a small expert group which is to meet in late 1995 or early 1996 to prepare recommendations for the Commission's fifth session. These would include analysis of the data collected, publication of a periodic report on firearms regulation, and establishment of a database on the subject. Four interregional workshops on firearms regulation are planned for 1996.

19/ In a recent editorial article entitled "Ways to improve the United Nations", the Secretary-General stated that: "In order to strengthen key fields of growing responsibility, 66 posts are to be created [while 201 others will be eliminated] to increase the Organization's effectiveness in areas such as drug control, crime prevention, human rights and peace-keeping". Washington Post, 13 August 1995.

20/ DP/1995/16, pp. 16-17.

21/ As the President of the United States of America has recently stated, "Today the threat to our security is not an enemy silo but in the briefcase or the car bomb of a terrorist. Our enemies are also the international criminals and drug traffickers who threaten the stability of new democracies and the future of our children ... we must support, through the United Nations, the fight against man-made and natural forces of disintegration, from crime syndicates and drug cartels to new diseases and disappearing forests. These enemies are elusive. They cross borders at will. Nations can and must oppose them alone, but we know, and the Cairo conference reaffirmed, that the most effective opposition requires strong international cooperation and mutual support" (remarks at the United Nations 50th Anniversary Ceremony, San Francisco, 26 June 1995, Federal News Service (Reuters), Washington, D.C.).

22/ UNDP. Matters relating to the programming cycles. Successor programming arrangements. Report of the Administrator. DP/1995/32.

23/ "Perhaps no other aspect of security is so vital for people as their security from physical violence. In poor nations and rich, human life is increasingly threatened by sudden, unpredictable violence. The threats take several forms: threats from the State (physical torture); threats from other States (war); threats from other groups of people (ethnic tension); threats against women (rape, domestic violence); threats directed at children based on their vulnerability and dependence (child abuse); threats to self (suicide, drug use)" United Nations Development Programme, Human Development Report 1994 (New York, Oxford University Press, 1994) p. 30.

24/ This has been initiated in some cases, for example, for Gabon.

25/ See, for example, DP/1995/39, para. 155.

26/ In addition to the area of crime prevention and criminal justice as a whole, there are specific aspects of the United Nations programme that mesh with UNDP priorities, e.g. on environmental protection and regeneration (e.g. penal, protection of the environment), and gender-sensitive issues (e.g. violence against women). A prospectus of the programme's capacity-building capabilities in environmental protection is available, as are recommendations and a manual on violence against women; plans of action in these and other areas have been formulated.

27/ Joint Inspection Unit, "Operational activities for development: national execution of projects" (A/50/113, annex).

28/ "New directions for technical cooperation among developing countries", report submitted to the High-level Committee on the Review of Technical Cooperation among Developing Countries (TCDC/9/3).

29/ Some, notably the International Development Bank, have undertaken some relevant activities, which could be expanded, including possible collaborative initiatives with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), and the African Development Bank's with the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI).

30/ As a leading statesman has noted: "The building of a functioning criminal justice system is a particularly crucial priority if the gains of a peace-keeping operation are to be consolidated and a relapse into conflict avoided. We support the idea ... that United Nations 'justice packages' be a part of any peacekeeping and post-conflict peace-building exercises in countries where the rule of law, and the institutions needed to support it, have manifestly broken down. Elements of such a package would include provision, as appropriate, of a body of criminal law and procedures, drawing on universal principles; civil police, with training as well as law enforcement responsibilities; a panel of judges, prosecutors and defenders able to work with available local professionals during the transitional period, again with an obligation to train their local successors; and adequate correctional facilities, and personnel to staff them while developing local replacements. Basic as all these requirements may be, no viable government or social order can be built without them, and there will be situations where only the authority of the United Nations is capable of delivering them." (Gareth Evans, op. cit.)

31/ Boutros Boutros-Ghali, An Agenda for Peace 1995, (United Nations publication, Sales No. E.95.I.15), pp. 9 and 62.

32/ A meeting of experts, organized by ISPAC in cooperation with the Crime Prevention and Criminal Justice Branch, and Basque authorities, recommended the establishment of monitoring networks and regional centres, as well as "victim care squads". ISPAC, Victim Issues. Prevention of Victimization, Protection and Assistance for Victims and Conflict Resolution (Milan, 1994). See also "Justice as a pillar of society" in Boutros Boutros-Ghali, An Agenda for Development 1995 (United Nations publication, Sales No. E.95.I.16), pp. 37-44.

33/ As the Secretary-General notes, "Peace-building is a matter for countries at all stages of development. For countries emerging from conflict, peace-building offers the chance to establish new institutions, social, political and judicial, that can give impetus to development." Boutros Boutros-Ghali, ibid., p. 21.

34/ E/CN.15/1995/6, pp. 27-30.

35/ Such projections are essential for proactive policy planning, since the likely developments may change the realities of crime and the related requirements. See, for instance, Larry E. Coutorie, "The future of high-technology crime: a parallel Delphi Study." Journal of Criminal Justice, vol. 23, No. 1, 1995, pp. 13-27. Information from the Surveys is available electronically via the UNCJIN World-Wide Web.

36/ A universal digital code known as Unicode has been developed by a consortium to allow computers to represent virtually all the world's languages, software with different fonts is becoming more readily available, and automatic translations are becoming more refined (Andrew Pollack, "Cultural war of words looms on", International Herald Tribune, August 1995).

37/ PADIS (The Pan African Development Information System) and the UNDP Sustainable Development Network can help to expand the information base and linkages of crime-related operations, involving also the NGO community.

38/ Among them are the 20 x 20 compact; a proposed tax on pollution and a fee on speculative international financial transactions; using forfeited or seized funds from drug traffickers for the rehabilitation of addicts and preventive education; waiving a part of foreign debt if used for environmental protection or for redress to victims, etc. Seized proceeds from the activities of organized crime could be used for action against it. An international conference on the financing of development has been proposed by the Secretary-General for the General Assembly's consideration. See, also, Dragoljub Najman and Hans d'Orville, Towards a New Multilateralism: funding Global Priorities, Innovative financing mechanisms for internationally agreed programmes (Paris/New York, Independent Commission on Population and Quality of Life, May 1995).

39/ A meeting of possible donors was convened on 19 January 1995 to enlist support for the Ninth Congress workshops and their follow-up, as called for in Economic and Social Council resolution 1994/19 of 25 July 1994. However, the results were modest, although some assistance in kind was received in the preparations for the workshops, mainly through intergovernmental (e.g. Mediterranean States) and expert group meetings (e.g. International Centre for Crime Prevention, in Montreal) for the workshops on urban crime and violence prevention and control, and some Governments (e.g. Canada, which sponsored the workshop on the mass media and crime). Some support was also offered for activities approved by the congress (e.g. seed money for the project on firearms control, from the Government of Japan) or related to it (e.g. for Congress posters, booklet and T-shirts, from the Asia Crime Prevention Foundation). Some Member States contributed funds for Congress participation from developing countries (e.g. France for francophone African participants). As indicated, ISPAC and individual NGOs sponsored ancillary meetings and some publications.

40/ The Foundation will hold its fourth world conference on strengthening international cooperation for crime prevention, in pursuance of the Ninth Congress recommendations, in Bangkok from 15 to 17 November 1995.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/433
18 September 1995

ORIGINAL: ENGLISH

Fiftieth session
Item 108 of the provisional agenda*

CRIME PREVENTION AND CRIMINAL JUSTICE

Implementation of General Assembly resolution 49/150 on the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 6	3
II.	ACTION TAKEN BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE	7 - 11	4
III.	ACTION TAKEN AGAINST ORGANIZED TRANSNATIONAL CRIME: A GLOBAL PRIORITY	12 - 27	6
IV.	IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME: PROGRAMMATIC ASPECTS AND MODALITIES	28 - 72	11
	A. Strengthening international cooperation and the opportunity of a convention or conventions against organized transnational crime	31 - 39	12
	B. Increasing reliable knowledge	40 - 54	16

* A/50/150.

95-28184 (E) 061095 071095

CONTENTS (continued)

	Paragraphs	Page
C. Assistance in the legislative and regulatory fields	55 - 64	20
D. Technical cooperation	65 - 72	23
V. CONCLUSIONS	73 - 75	25

I. INTRODUCTION

1. The World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, pursuant to Economic and Social Council resolution 1993/29, unanimously adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, sect. I.A), which was approved by the General Assembly in its resolution 49/159 of 23 December 1994. The Assembly urged States to implement the Naples Political Declaration and Global Action Plan as a matter of urgency.

2. The Assembly requested the Secretary-General to transmit the Naples Political Declaration and Global Action Plan to the Commission on Crime Prevention and Criminal Justice for appropriate action, while recommending a higher level of priority for the United Nations crime prevention and criminal justice programme within the framework of the United Nations. The Commission was requested to keep the implementation of the Naples Political Declaration and Global Action Plan under regular review.

3. In a separate resolution, the World Ministerial Conference expressed its appreciation for the proposal of the Government of Italy to organize and host at no cost to the United Nations, and in consultation with the crime prevention and criminal justice programme, an international task force for the elaboration of proposals on the feasibility of establishing an international training centre for law enforcement and criminal justice personnel. The Conference took note of the offer of the Italian Government to act as host to the centre and to provide the necessary organizational and functional resources, and invited the Government of Italy to submit the results of the task force's work to the Commission on Crime Prevention and Criminal Justice at its fourth session.

4. The Naples Political Declaration and Global Action Plan identified specific measures, to be further elaborated and implemented, in order to make action against organized crime more effective and strengthen international cooperation. These measures are intended to strengthen the ability of States to cope with the increasing threat posed by organized transnational crime in its various new forms and manifestations. They are also directed at enhancing the capacity of developing countries and countries with economies in transition to deal with the problems created by organized transnational crime and to enable them to cooperate effectively at the regional and international levels.

5. In the Naples Political Declaration and Global Action Plan, it was strongly recommended that continued priority attention be accorded in the context of the United Nations crime prevention and criminal justice programme to strengthening international cooperation against organized transnational crime at all levels. It was recognized that existing resources were not sufficient to enable the programme to support intensification of efforts at the national level and increased intergovernmental cooperation, and it was recommended that a higher priority be accorded to the United Nations crime control activities by providing the programme with adequate resources to carry out its mandates and responsibilities.

6. The present report is submitted pursuant to General Assembly resolution 49/159 on the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. It concentrates on certain aspects of implementation and the required action to be taken by States and the United Nations, as well as modalities for such implementation, pursuant to General Assembly resolution 49/159 and paragraph 45 of the Naples Political Declaration and Global Action Plan.

II. ACTION TAKEN BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

7. The Commission on Crime Prevention and Criminal Justice discussed the issue of the implementation of the Naples Political Declaration and Global Action Plan at its fourth session, held at Vienna from 30 May to 9 June 1995, and began the process of encouraging Member States to proceed in that direction and identifying the areas to which attention should be directed. In its consideration of the most appropriate method and modalities of following up on the mandate of monitoring and promoting such implementation, conveyed by the General Assembly in resolution 49/159, the Commission had the benefit of the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo, from 29 April to 8 May 1995. The Congress had debated the issue in detail and had adopted resolution 3 on international instruments such as a convention or conventions against organized transnational crime. In that resolution, the Congress had invited the Commission to give priority to initiating the process called for by the Naples Political Declaration and Global Action Plan, by requesting the views of Governments on the opportunity of elaborating new international instruments such as a convention or conventions and on the issues and elements that could be covered therein. The Commission was also requested to consider whether it would be helpful to propose to Governments a list of issues or elements which might be dealt with in such instruments, with possible examples contained in the annex to the above-mentioned resolution. 1/ The Ninth Congress had also considered the issue of links between terrorist crimes and transnational organized crime, about which Member States had expressed their grave concern in the Naples Political Declaration and Global Action Plan (A/49/748, annex, sect. I.A, para. 2).

8. On the recommendation of the Commission at its fourth session, the Economic and Social Council adopted resolution 1995/11 of 24 July 1995 on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. The Council took note of the report of the Secretary-General on proposals related to the programmatic aspects of the Naples Political Declaration and Global Action Plan (E/CN.15/1995/2). The Council welcomed with appreciation the preliminary report of the international task force to study the feasibility of establishing an international training centre for law enforcement and criminal justice personnel (E/CN.15/1995/11) and encouraged the Government of Italy and the Governments of the other States members of the task force to continue and finalize its work, with a view to informing the General Assembly, at its fiftieth session of the results. The Council requested the Secretary-General to initiate the process of requesting the views of Governments on the opportunity and impact of international instruments such as a convention or conventions against organized transnational

crime and on the issues and elements that could be covered therein, pursuant to the Naples Political Declaration and Global Action Plan. Pursuant to this request, the United Nations Office at Vienna sent a note verbale in September 1995 to Governments through their Permanent Missions at Vienna or in New York. Also in resolution 1995/11, the Council decided to establish, within the framework of the Commission, at its fifth session, an open-ended intergovernmental working group to consider, inter alia, the views of Governments on this matter.

9. For the purpose of assisting the international community in increasing its knowledge of criminal organizations and their dynamics, the Council requested the Secretary-General to collect and analyse information on the structure and dynamics of organized transnational crime and on the responses of States to this problem. The analysis of the information would be carried out building on the expertise and experience of Member States and drawing on the contributions of Governments. Such contributions could include teamwork by highly qualified experts, relevant organizations and individuals, taking into account work already done in this area. The open-ended intergovernmental working group to be established at the fifth session of the Commission will examine the results of the analysis of the information, which Governments were requested to provide to the Secretariat in the note verbale mentioned above. In a related provision, the Council requested the Secretary-General to submit to Member States for their consideration at the fifth session of the Commission a proposal on the creation of a central repository for existing legislative and regulatory measures and information on organizational structures designed to combat organized transnational crime, with a view to making this information available to Member States.

10. With respect to the provision of practical assistance to requesting Member States, the Council requested the Secretary-General, as necessary, to submit concrete proposals to the Commission for approval, with a view to developing practical models and guidelines for substantive and procedural legislation. These would be intended to assist developing countries and countries in transition in reviewing and evaluating their legislation and in planning and undertaking reforms, and would be developed building on the experience and expertise of States and drawing on contributions from relevant organizations. The Secretary-General was also requested to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity-building and training, as well as in the implementation of the Naples Political Declaration and Global Action Plan. The Council further requested the Secretary-General to avail himself of the assistance of experts with extensive experience in the field of prevention and control of organized transnational crime indicated by Member States, who might be called upon in connection with technical cooperation activities. The United Nations Office at Vienna has requested Member States to provide it with the names of experts for the purpose of compiling a roster which can be resorted to in connection with requests for the provision of advisory services and practical assistance.

11. Following up on the recommendations contained in the Naples Political Declaration and Global Action Plan with respect to the prevention and control of money-laundering and the use of the proceeds of crime, the Council requested the Secretary-General to seek cooperation and to join efforts with other

international, global and regional organizations and mechanisms that have played an active role in combating money-laundering. The purpose of cooperation and joint efforts would be to reinforce common regulatory and enforcement strategies in that area and assist States, upon request, in treaty formulation and the development of criminal justice infrastructure and to provide technical assistance. Further, the Secretary-General was requested, as necessary, to compile appropriate manuals, drawing upon the expertise of Member States and of other relevant organizations, taking into account differences in legal systems and using the expertise of institutes and relevant entities of the United Nations crime prevention and criminal justice programme.

III. ACTION TAKEN AGAINST ORGANIZED TRANSNATIONAL CRIME: A GLOBAL PRIORITY

12. The 142 States present at the World Ministerial Conference on Organized Crime proclaimed their political will and strong determination, as well as their unequivocal commitment, to ensure the full and expeditious implementation of the Political Declaration and Global Action Plan, reflecting the urgency and priority attention attached to action against organized transnational crime. The Naples Conference was not the only forum in which the collective concern of States had been expressed, but was the culmination of efforts at the international level. The growth of organized transnational crime and its expansion both in terms of activities and across geographical borders brought about the realization that action against it could not be limited to the national level or to arrangements between a limited number of States. Efforts had to take into account the current political situation and the ease with which organized criminal groups crossed borders and took advantage of efforts designed to bring countries closer together and increase the free movement of goods, capital, services and people. Such efforts also had to be made in a manner tailored to the fact that organized transnational crime was making full use of modern technologies, thus increasing its sophistication and diversity and outpacing the capacity of many countries to deal with it. In their search for new opportunities and markets, organized criminal groups were ready to make sizeable investments in both equipment and human resources and were willing to bring their huge financial power to bear, in addition to using other more violent methods, for eliminating competition. In addition, the international community had realized that proceeds of crime directed at the legitimate economy posed a grave threat to financial stability and growth. The prospect of organized criminal groups infiltrating and attaining controlling interests in crucial sectors of the economies of developing countries and countries in transition had contributed to raising awareness and increasing concern among Governments, particularly at a time of joint efforts towards economic restructuring on the basis of free market principles.

13. It was against this background that world leaders began placing concerted action against organized transnational crime high on their agenda. The seven major industrialized countries, at their summit meeting held at Naples in July 1994, gave special consideration to the response of the international community against organized transnational crime and money-laundering. In their summit communiqué, the heads of State and Government of the seven major industrialized countries and the President of the European Commission expressed

alarm about the growth of organized transnational crime and the use of illicit proceeds to take control of legitimate business. This was a world-wide problem, with countries in transition being increasingly targeted by criminal organizations. They also expressed their determination to strengthen international cooperation to address the situation and welcomed the World Ministerial Conference on Organized Transnational Crime, to be held at Naples. In the Chairman's statement, the heads of State and Government of the Group of Seven stressed that organized crime and narcotics trafficking were a threat to political as well as economic and social life. Calling for increased international cooperation, they agreed that the World Ministerial Conference was a most important occasion to advance such cooperation.

14. At the United Nations fiftieth Anniversary Ceremony, held at San Francisco on 26 June 1995, the President of the United States of America called for agreement among the international community on a new agenda for the United Nations, to increase confidence and ensure support for the United Nations and to advance peace and prosperity for the next 50 years. In identifying the areas to which more attention should be paid on the part of the United Nations, President Clinton called for "support through the United Nations of the fight against man-made and natural forces of disintegration, from crime syndicates and drug cartels to new diseases and disappearing forests. They cross borders at will. Nations can and must oppose them alone, but we know, and the Cairo Conference reaffirmed, that the most effective opposition requires strong international cooperation and mutual support".

15. In the Chairman's statement of the summit meeting, held at Halifax in 1995, the Group of Seven declared that "transnational criminal organizations are a growing threat to the security of our nations. They undermine the integrity of financial systems, breed corruption, and weaken emerging democracies and developing countries around the world. To counter their criminal activities effectively, we will work to reinforce existing institutions, strengthen our cooperation, exchange of information, and assistance to other nations". The heads of State and Government of the Group of Seven agreed to cooperate more closely together, and with others, to ensure that transnational criminal organizations cannot escape justice by crossing borders. They encouraged all Governments to adhere to and implement relevant international conventions and the recommendations of the Financial Action Task Force. They recognized that ultimate success required all Governments to provide for effective measures to prevent the laundering of proceeds from drug trafficking and other serious crimes. To implement their commitments in the fight against transnational organized crime, they established a group of senior experts, with a temporary mandate to look at existing arrangements for cooperation, both bilateral and multilateral, to identify significant gaps and options for improved coordination and to propose practical action to fill such gaps.

16. In the Naples Political Declaration and Global Action Plan, States proclaimed their determination to join forces and fight together against the expansion and diversification of organized transnational crime. Notwithstanding recent successes, they expressed their conviction that coordinated strategies and other forms of international cooperation should be further developed. States noted with concern that organized transnational crime threatened the social and economic growth of developing countries and countries in transition

and their institutions; stressed that the international community should assist these countries in their efforts to enable their criminal justice institutions to adequately prevent and combat organized transnational crime; and observed that the fight against organized transnational crime should be accorded high priority by States and by all relevant global and regional organizations, with the necessary support of the general public, the media, business, institutions and non-governmental organizations. States arrived at these conclusions and proclaimed their determination to take the action specified in the Naples Political Declaration and Global Action Plan, while reaffirming the responsibility vested in the United Nations in crime prevention and criminal justice and recognizing the need to strengthen its role in the development of a comprehensive programme of action to prevent and control organized transnational crime.

17. The Naples Political Declaration and Global Action Plan was made possible by, but also attests to, a collective political will to deal with the problem at the global level and a consensus as to what needs to be done. This consensus is the result and culmination not only of the realization of the global effects of the problem, but also of a long process of convergence and balancing of national interests and perceptions, as well as the full recognition of varying needs and capacities. In the past, organized crime was considered one of the problems facing developed countries and, therefore, of little interest to developing countries which had other priorities and other more pressing needs. When organized crime began crossing borders and becoming a menace and a threat to developing countries, the scope of the problem was fundamentally altered. The changes in the political environment with the emergence of newly independent States, which entered a phase of economic and political transition, were soon perceived by organized criminal groups as increased opportunities for expansion and diversification and added a new dimension to the issue. The interest and concern of developing countries and countries in transition grew and the issue of organized transnational crime became one of their priorities, also because its effects made it more difficult to pursue other standing development priorities.

18. A new situation was created for developed countries as well. Whereas in the not-too-distant past action against organized crime was to be planned and taken largely within their borders, or in cooperation with other countries of similar capacities and perceptions, increased transnationalization and expansion brought about imponderables as to activities of organized criminal groups, and difficulties with regard to effective law enforcement and judicial cooperation. The new dimensions of organized transnational crime also require more resources for the expansion of cooperation arrangements, but also for new law enforcement techniques and capabilities. However, while developed countries already possess the infrastructure and crucial knowledge required in mustering the necessary resources and maximizing their efficiency and effectiveness, developing countries and countries in transition are found in the very difficult position of easily being outpaced by organized criminal groups. Countering the onslaught of organized transnational crime requires diversion of scarce resources, delaying or even threatening the attainment of other objectives and development targets. In addition, developing countries and countries in transition are increasingly finding themselves in a quandary. Their drive towards development and growth in accordance with free market principles is under threat from the

direct or indirect effects of organized transnational crime, while the limited effectiveness of their efforts, owing to the lack of the necessary resources, is often cited as a disincentive to the very much needed foreign investment and assistance.

19. The consensus and collective political will evidenced by the Naples Political Declaration and Global Action Plan, as well as the results of the other events mentioned above, are of great significance to future action by the international community against organized transnational crime. Of equal importance is the momentum built by the consistency and frequency with which the consensus and collective political will have been enunciated in the past two years. Such momentum and consensus are prerequisites for action to take a definitive shape and to have the desired effects in the shortest time possible, an element of importance in view of the rapid growth and expansion of organized transnational crime. The international community should begin taking decisive steps forward in the implementation of the policies and measures it decided upon in the Naples Political Declaration and Global Action Plan, building on but also sustaining this momentum.

20. Action against organized transnational crime would be more effective if it were collective, with its planning and implementation being the patrimony of all contributors to the consensus-building process and to the formulation of a strong collective political will. In the Naples Political Declaration and Global Action Plan, States recognized, while acknowledging its global implications, that prevention and control of organized transnational crime must necessarily vary from State to State and region to region and be based upon improvements in national capabilities, increased knowledge and shared experiences about organized criminal groups. Such variations at the national or regional levels are natural given the different manifestations and degrees of development of organized criminal groups and their activities. Further, differences in the degree of development of institutions and the financial capabilities of countries are bound to affect the responses to the problem. In situations of scarcity of funds and numerous competing priorities, the size and present effects of the problem of organized transnational crime are bound to guide the decisions of policy makers on the allocation of resources.

21. In addition to its recognized global implications, however, organized transnational crime has displayed the capacity to shift operations across borders, in order to minimize risk and maximize opportunities, and to take full advantage of gaps in national responses and of deficiencies in international cooperation. Further, organized transnational crime has shown the ability and readiness to benefit from economic growth and efforts towards economic reform and privatization in developing countries and countries in transition, mainly because of the variations in pace between such processes and the creation or strengthening of the appropriate institutions.

22. Consequently, current parameters may change too rapidly for existing mechanisms to respond adequately. In such a case, any opportunity for preventive action may be lost and control may become extremely difficult, placing limited resources and immature institutions under even more severe strain. It is, therefore, crucial to retain a global view and a long-term perspective in developing national policies and regional cooperation mechanisms

against organized transnational crime. In addition, there needs to be a common denominator against which action can be measured, in order to ensure continuity and consistency, as well as the sustained pursuit of common objectives.

23. The significance of the Naples Political Declaration and Global Action Plan, viewed in the context of the initiatives that have been taken since their adoption, lies in having demonstrated that the international community has reached agreement on a basic set of common objectives and on the fundamental elements of the modalities required to attain them. Considerably more work is necessary, however, to operationalize this basic agreement by way of consistent and coordinated implementation. This agreement appears to be founded on the understanding that the problem is equally threatening for all countries of the world, and that those countries having difficulties in bringing their relevant mechanisms up to the required standard for effective action in preventing and controlling its effects will be assisted by those in a position to do so. In the face of a problem as pervasive and dangerous as organized transnational crime, however, a sense of anxiety about minimizing its impact at the national level often tends to prevail. This tendency becomes even more prevalent when considering some of the activities in which organized transnational crime is engaged, which involve violence and, consequently, capture the attention of the public through the media coverage that they receive. Further, Governments are alarmed by the increasing involvement of organized transnational crime in legitimate business, coupled with the need of organized criminal groups to find ways of laundering their illicit proceeds.

24. One of the characteristics of this sense of anxiety is the tendency to disregard the benefits of building and sustaining consensus, and to rely on individual capacities in order to proceed forward at a presumably faster pace. Action taken in this context can be similar to action often taken at the regional level, in terms of homogeneity of perceptions, priorities, needs and immediate objectives, as well as relevant equivalency of the capacity of infrastructures. In the short term, the effectiveness of such action may be evident and may satisfy the urgency for measurable and visible results. In the case of organized transnational crime, however, the global nature of the problem ultimately demands a global approach and global solutions. Regional initiatives have been instrumental in meeting immediate needs and paving the way for global approaches on many issues. Such initiatives are, after all, based on the very same principles and the consensus which should characterize global action and can make it effective. In the regional context, however, consensus-building may be more easily attainable and sustainable, because of the reasons mentioned above.

25. Action taken in response to a sense of impatience with the global consensus-building process may appear to be breaking new ground and setting high standards of accomplishment. In this context, efforts to plan and implement such action may be useful in pointing to the ideal fashion of attaining the maximum objectives in the shortest time possible, thus serving as a guide and a yardstick by which to measure success. However, action proceeding at varying speeds may result in widening gaps instead of closing them and altogether eliminating them, particularly considering the flexibility and capacity for diversification of organized transnational crime. Differences in opinion and perspectives may present the risk of trivializing the matter and entangling it

in long debates, ultimately slowing down the desired pace, if not placing the effectiveness of the action per se in jeopardy. While peer pressure in the context of an institutional framework is invaluable, the risk of misperceptions as to ultimate objectives and the ways to achieve them may be too great in view of the implications of organized transnational crime and the threat it poses to developed and developing countries alike.

26. Effective action at the global level would need to move forward at the same pace, the speed of which would need to be collectively agreed upon. Only in such a case can there be the commitment to meet goals and attain common objectives. In view of the divergent situations in which different countries are found, particularly in terms of capacity and infrastructure, this pace may not be as brisk as the international community would wish. There would be a need for a mechanism to identify in the shortest time possible cases in which there is a slow-down and attempt to rectify the situation by providing the appropriate technical assistance. When action is the result of consensus and collective commitment, the effectiveness of technical assistance would be greatly enhanced, since the objectives and modalities of such assistance would be the product of consent and overall agreement.

27. The effectiveness of global action against organized transnational crime would also depend on how well coordinated it is, particularly since such action is bound to involve technical cooperation. Coordination would ensure more efficient use of resources and would greatly enhance the impact of technical assistance, not only by directing it to those areas where it is most needed, but also by establishing and maintaining a constant relationship between the needs to be met and contributions towards common objectives and goals. Coordination, which should be viewed as an integral part of effective action, requires a constant flow of reliable information, the willingness of all parties concerned to rely on and contribute to the availability of such information, and the readiness in particular of donor countries and agencies to channel resources towards meeting needs as they arise.

IV. IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME: PROGRAMMATIC ASPECTS AND MODALITIES

28. Full implementation of the Naples Political Declaration and Global Action Plan will require considerable effort and investment on the part of States and the United Nations, as well as relevant intergovernmental and non-governmental organizations. In order to maximize the effect of appropriate action by the Commission on Crime Prevention and Criminal Justice, and also to assist States in directing their efforts and resources towards implementation more efficiently, it may be useful to chart a course by identifying areas on which attention should be concentrated and where the United Nations can make a useful contribution through planning and implementing operational activities.

29. At a time of limited resources, implementation would need to proceed in phases, which would be agreed upon by the international community. The foundation of this phased approach would need to be a sustained and concerted effort to maintain the momentum and increase the impetus created by the Naples

Political Declaration and Global Action Plan and to further strengthen the consensus and political will that made them possible. In charting the course for full implementation, certain key factors would need to be kept in mind. The threat posed to the internal security and stability of sovereign States, as well as to international security, by the dramatic increase of organized transnational crime in the past decade is growing and will continue to grow and become more menacing if concerted and decisive action on the part of the international community is delayed. While energies have to be focused and action planned in the best and most efficient manner, the ultimate goals of effectively preventing and controlling organized transnational crime in all its forms and dimensions, and arresting its expansion at both the national and international levels, should be guiding the relevant efforts and should constitute the yardstick against which success is to be assessed.

30. Pursuant to the mandate entrusted to it by the General Assembly in resolution 49/159, the Commission on Crime Prevention and Criminal Justice began moving in the direction of charting the course towards implementation at its fourth session. In Economic and Social Council resolution 1995/11, adopted on the recommendation of the Commission, certain areas of priority attention were identified. In addition to examining the opportunity and impact of international instruments such as a convention or conventions against organized transnational crime, and an indication of the issues and elements to be covered therein, priority attention was given to improving reliable knowledge on the structure and dynamics of organized transnational crime, legislative and regulatory measures, and technical cooperation.

A. Strengthening international cooperation and the opportunity of a convention or conventions against organized transnational crime

31. The new responsibilities that Governments have to take on because of the escalation of organized transnational crime and the demand for global strategies to combat it, draw attention to the need for effective instruments, bearing in mind that what is most needed is a comprehensive, multi-layered approach to international cooperation in law enforcement and criminal justice in the fight against organized transnational crime. Ideally, a truly effective international approach would be composed of a web of bilateral, regional and multilateral arrangements complementing and promoting one another. In fact, bilateral and multilateral forms of cooperation are complementary rather than mutually exclusive. However, whether international cooperation can evolve in ways that allow a response to transnational criminal organizations commensurate with the threat depends on the capacity of States to understand that criminal justice and law enforcement systems can no longer be viewed as purely national concerns. Ultimately, the prospects of cooperation depend on recognizing that a new kind of threat demands a new kind of response, in which international cooperation plays a central role. Experience has shown the importance of adopting international instruments in order to enact global strategies of action when dealing with issues of a transnational nature. A very successful example is found in the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988 (E/CONF.82/15 and Corr.2).

32. One of the major objectives of international cooperation must be to create greater harmonization in criminal justice systems, by improving the standards of countries with weaker criminal justice systems in general or by developing national legislation specifically directed against organized crime. It is crucial to eliminate "sanctuary States" and ensure that national legislation against transnational organized crime is as compatible as possible. Complete harmonization is, of course, impossible, for some of the reasons identified above. Yet there is a level of harmonization, perhaps better described as inter-operability, that allows for continued national differences while still achieving the necessary degree of complementarity for effective concerted action against transnational crime. It has been emphasized that "investigation of transnational crime, no less than its prosecution, will likewise involve multiple jurisdictions and cooperation among different Governments. To be useful, the products of these investigations should be as nearly interchangeable as possible. Procedures need not necessarily be identical but they should incorporate rules to protect the accused, limit police power, ensure equitable tribunals and provide decent prisons". 2/ Growing interchangeability and the capacity to use information and evidence across national jurisdictions are of major importance in the fight against transnational crime.

33. Multilateral cooperation should not be seen simply as a compromise between various bilateral efforts. Rather, it is something that has significant benefits in its own right, as many regional arrangements have demonstrated. They can be understood as the criminal justice counterpart to the growth of economic and political integration in many regions of the world, such as in western Europe. Regional cooperation in judicial and criminal matters is the natural concomitant to efforts to achieve political and economic union, even though it involves some of the more sensitive and complex aspects of national sovereignty. In this sense, multilateral cooperation can be understood as a spin-off from broader political and economic processes, which are proceeding with increasing frequency and speed - albeit based on the recognition that complete uniformity of national legislation is neither feasible nor desirable. As has been observed, "the criminal law systems are all finely tuned to the specific characteristics of the different countries. This delicate equilibrium should not be disturbed, unless a substantial advantage is to be gained". 3/

34. To be sure, the elaboration of an international instrument such as a convention is not obstacle-free. While a multilateral convention would provide a way of augmenting resources and mobilizing mutual support and assistance for what individual States are unable to do alone, it should be stressed that multilateral responses can only work if each party makes sacrifices commensurate with those of others. Avoiding this kind of obstacle requires a commitment to take whatever action is necessary despite the cost. If a convention is to be effective, it needs States to join and subsequently to exhibit the will and capability to meet their obligations under it. As has been noted: "Only if most countries were willing to re-examine some deeply entrenched legal procedures, and to recognize that their own traditional way of doing things was not necessarily the best or most effective approach to the problems in question, would the concepts of multilateral ... conventions become a reality". 4/

35. One of the difficulties with such a new instrument may be its content. Similar conventions on terrorism and drug trafficking have been oriented towards

a specific type of crime. The question arises, therefore, whether a new international instrument on organized transnational crime should cover the many criminal activities in which organized criminal groups are engaging, or should focus on the way in which countries should respond to the threat posed by transnational criminal organizations. The problem with concentrating on the crimes is that they are so extensive - and it is difficult to be all embracing. The implication is that attention should be focused on the second aspect, that is the responsibility of Governments to respond vigorously to the challenge, building upon the experience developed in the process of elaboration, ratification and implementation of the 1988 Vienna Convention and starting from the already existing proposals on legislation and law enforcement methods covered in the Convention itself. The extent of international support for the Vienna Convention is extraordinary: more than 100 States are parties to it. That Convention, thanks to the commitment and political will of such a large number of countries, has had a major impact in bringing about concerted action against drug trafficking.

36. Another difficulty lies in the fact that the elaboration of international conventions may be a long process that would require the achievement and maintenance of consensus at every stage. Breadth of participation should not be achieved at the expense of depth and intensity of cooperation. However, in the presence of a strong political will and broad consensus, as evidenced by the priority attached to action against organized transnational crime and the Naples Political Declaration and Global Action Plan, it would be possible to ensure that the negotiation process does not result in a diluted document that falls short of establishing the provisions necessary for an effective response to transnational criminal organizations. Effective action against organized transnational crime requires a framework within which States could pursue cooperation at all levels in a more systematic and effective way. Such a framework would make it possible to bridge the gaps that exist at present and are readily and fully exploited by organized transnational crime. For example, the Vienna Convention has given rise to a wave of legislative activity at the national level, supported by the legal assistance programme of the United Nations International Drug Control Programme, as well as to the adoption of numerous bilateral and regional agreements that implement and further the Convention's provisions.

37. In spite of its difficulties, the elaboration of an international convention against organized transnational crime could bring a number of advantages and may represent an invaluable potential for universal adherence. First, the very act of negotiating a convention would have certain benefits. For example, it would focus attention on the problem. Although specific criminal organizations have been given considerable attention, the emergence and expansion of transnational criminal organizations as a generic threat posing problems in many respects exceeding those of international terrorism has been relatively ignored. Indeed, there has been a paucity of both journalistic and scholarly analyses dealing with transnational criminal organizations and their activities as a problem faced not only by individual States but also by the international community as a whole. A convention on organized transnational crime would be very important in symbolic terms, as it would represent the collective judgement of the international community that the problem has become sufficiently serious to command a global response. This could also have an

important impact in terms of legitimizing national actions, including national legislation against the activities of organized transnational crime. In addition, the negotiation of a convention would lead to greater interaction among Governments and particular national agencies in ways that would themselves lead to enhanced international cooperation. Developing a knowledge of other negotiators can be important, particularly if these negotiators also have some role in the subsequent implementation of policy.

38. Secondly, once a convention was in place, it would have several positive effects: (a) it would provide a set of standards and expectations that the signatories would have an obligation to live up to; in a sense it would facilitate the exertion of peer pressure as a common effort of the international community in addressing the problem; (b) it would have an important regularizing effect and provide for a more standardized form of cooperation than does the extension of bilateral accords, each of which has its own distinctive features; (c) it would facilitate more systematic assistance in the areas of criminal justice and law enforcement, rather than ad hoc approaches; (d) it would provide guidance for a programme of implementation that would assist in the dual objectives of harmonizing law enforcement risk and making it more difficult for transnational criminal organizations to infiltrate legitimate business.

39. It is evident that there are both advantages and disadvantages to a multilateral convention against organized transnational crime. The issue is not clear-cut. If Governments do decide that the advantages outweigh the disadvantages, however, there are several other requirements that would have to be met to transform it from a theoretical possibility into a feasible and practical proposition. First, it would necessitate the maintenance of the broad-based consensus on the seriousness of the challenge posed to nations and the international community by organized transnational crime. The key to maintaining and further broadening this consensus is for Governments that are affected by organized transnational crime to recognize that they are not alone, and for Governments that are not currently the target of organized transnational criminal activity to understand that they are not immune, and that it may only be a matter of time before the problem impinges on them directly. Secondly, another crucial requirement is that the idea of elaborating a convention should have the unequivocal backing of most States. The more diverse this group of States is, the better, on the understanding that a convention should not be seen as an attempt by any particular grouping to impose required reforms of behaviour on others with different levels of economic development or cultural traditions. The willingness of several highly committed States to give a high priority to successful implementation could create a bandwagon effect, encouraging others to join. A third requirement is that there should be a clear idea of the purpose and scope of a convention. It has to be carefully formulated in ways that specify the target (transnational criminal organizations and their members), the obligations that States would incur (in terms of taking initiatives in their own national law, in positively responding to requests for assistance from others and in providing and exchanging information) and provisions for implementation (both procedural and substantive).

B. Increasing reliable knowledge

40. Any discussion of international cooperation will necessarily involve a clear understanding of priorities and objectives. International cooperation on a particular issue, such as the ability of criminal justice systems to prevent and control organized crime, implies a thorough knowledge of the risks involved in both the short and long term. In addition, it requires an accurate assessment of the capacity of the criminal justice system to deal with complex forms of crime. A combination of these parameters, with the appropriate balance, would serve to put international cooperation into perspective. Only knowledge and careful evaluation can lead to the appropriate selection of priorities and objectives. Policy makers at the national level, those ultimately capable of and responsible for building, sustaining and advancing international cooperation, as well as setting its pace, need this knowledge to guide them towards rational decisions. Policy makers also have to be able to strike the appropriate balance between competing interests, both political and financial. Balancing the multiple interests competing for resources is difficult for every Government, regardless of its level of development. International cooperation requires undivided attention and genuine commitment at all levels of Government for the pooling and allocation of resources commensurate to the risk posed to the international community by organized transnational crime.

41. The tools available to Governments are often found to be unequal to the task of effectively combating the new transnational manifestations of criminality and it is therefore through their attacks on traditional principles and sovereignty that organized criminals have succeeded in carrying out their illicit operations at a considerably lower risk to themselves. If criminal organizations are attracted to the process of internationalization because they have found areas in which the risk from law enforcement authorities is minimal, then coordinated international action to equalize this risk in various countries will minimize or contain the process. Equalizing the risk means raising the quantity, quality and, more importantly, compatibility of preventive and control action at an adequate level on a world-wide scale and putting in place mechanisms designed to maintain and improve that level in a consistent and coordinated fashion.

42. The capacity of States to prevent and control organized transnational crime depends largely on knowledge and the availability of reliable information about its characteristics, the structures of organized criminal groups, their methods of operation and their interests with respect to illicit activities. In many developed countries, the occurrence and growth of organized crime has led to considerable high-quality work with respect to accumulating knowledge and collecting reliable information. In spite of these advances, the task facing law enforcement agencies and the criminal justice system in general remains an arduous one, because of the increased diversification and expansion of organized crime across borders, as well as its tendency to become involved in activities characterized by high complexity. In most developing countries and countries in transition, however, various factors, ranging from lack of adequate resources to recent rapid political and economic developments and changes, have slowed down or inhibited the process of attaining a thorough understanding of the situation. Further, there are considerable difficulties in evaluating the threat posed by

organized transnational crime and the capacity of law enforcement and criminal justice systems to respond to it. Compounding these difficulties are changes in the characteristics of organized transnational crime and an almost dramatic increase in the sophistication of its operations, as well as its mounting expansion in response to increased opportunities and weaknesses of national institutions.

43. The Naples Political Declaration and Global Action Plan emphasized the importance of adopting a generally agreed concept of organized crime as a basis for more compatible national responses and more effective international cooperation. In the absence of the comprehensive knowledge about organized crime referred to above, arriving at such a common concept may entail increased difficulties. Consequently, the full potential of international cooperation would be rather difficult to realize, leaving room for loopholes that have been, and continue to be, exploited by organized transnational crime. The lack of a common concept of organized crime can create considerable obstacles to the efforts of national law enforcement and judicial authorities to detect, prosecute and adjudicate cases of organized crime. One of the key areas affected would be the exchange and sharing of information and intelligence that is vital to these efforts. In many cases, even where bilateral or multilateral cooperation arrangements exist, there appears to be a lack of open channels of communication and information exchange between Governments and between the competent national authorities. A reason often cited is the lack of understanding of a country's legal system and of the capacity of law enforcement and judicial authorities to produce the best possible results with the relevant information. Such concerns, which may also include apprehensions regarding the security of information or intelligence, have been known to hamper major investigations and cause long delays in judicial proceedings, sometimes resulting in the virtual impunity of the individuals apprehended, at a high financial and human cost.

44. The need to improve knowledge on organized crime and its transnational dimensions and activities has become more urgent at present, mainly because of the increased realization of its effects on national and international financial systems, as well as on institutions and society at large. There are two levels of knowledge required, which need to coexist and be developed concurrently.

45. The accumulation of theoretical knowledge has irreplaceable value for the purposes of educating younger generations and the public in general and for devising strategies and developing measures to counter the corrupting effects of organized crime on societal values. Theoretical knowledge, however, cannot substitute for the practical, operational knowledge that needs to be imparted to law enforcement and judicial personnel to enable them to prevent and control organized transnational crime at all levels. Each type of knowledge will stand to benefit greatly from the other, and a balanced development of both will go a long way towards achieving effective action against organized transnational crime. Academic institutions and professional associations have a major role to play in accumulating theoretical knowledge on organized transnational crime and in disseminating this knowledge, in close cooperation with governmental agencies and the education system, as well as in concert with the media, non-governmental organizations and the private sector.

46. The development of operational knowledge requires the capacity to process and evaluate information and intelligence derived from day-to-day operations and investigations, and from the experience of other countries in the field. While research is a major component of theoretical knowledge, experience and expertise acquired in field work form the basis of practical knowledge. Another essential element of practical knowledge is the ability of law enforcement and judicial personnel to evaluate the information collected and processed and the intelligence accumulated. This is particularly important in connection with the detection, investigation and adjudication of economic crimes and other illicit activities of organized criminal groups involving financial operations and business transactions.

47. The capacity to collect, process and evaluate information and intelligence not only at the national level, but also across borders, requires careful planning and consistent implementation of relevant strategies and policies, as well as emphasis on human resources development. In addition, the use of, and reliance on, modern telecommunications and data-processing equipment is of considerable importance, in view of their increasing utilization by organized transnational crime. Therefore, the accumulation of practical knowledge requires, in addition to commitment and determination, major and long-term investments by Governments, often not only at the operational level but also at the institutional level.

48. For the purpose of the acquisition and dissemination of theoretical knowledge, academic institutions, professional associations and the media should be actively and tangibly encouraged and supported, and programmes should be put in place to enlist the involvement and participation of the private sector and non-governmental organizations. Comparative studies between practices and experiences in different countries would contribute to the accumulation of both types of knowledge, while the capacity to exchange and use information and intelligence would strengthen international cooperation and render action against organized transnational crime more effective.

49. In an effort to begin collecting information to facilitate the process of accumulating knowledge, the Crime Prevention and Criminal Justice Branch included the issue of transnational crime for the first time in the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The preliminary results of the Survey were submitted to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/15 and Add.1), and were made available to the Commission on Crime Prevention and Criminal Justice at its fourth session.

50. One of the conclusions that can be drawn from the replies provided by Governments is that there are considerable difficulties in many parts of the world in actually identifying activities that have a predominantly transnational character and in which organized criminal groups are engaged. While the potential effects of these activities are appreciated and there are indications of measures being devised to begin coming to terms with the problems created, in many cases there appears to be a lack of the necessary analysis that would focus on the specific characteristics of organized crime and the transnational dimensions of its activities. Consequently, there is a delay in legislative and regulatory action which, drawing on the results of such analysis, would prevent

and control the further expansion and diversification of organized transnational crime, and promote more effective international cooperation.

51. Developed countries are generally in a position to devote the necessary resources for acquiring the body of both theoretical and practical knowledge that is required for the effective prevention and control of organized transnational crime and, as discussed earlier, considerable efforts in that direction are in progress.

52. However, the difficulties encountered by developing countries and countries with economies in transition make assistance crucial. The United Nations should be in a position to assist countries, through the provision of advisory services and training, in developing the means and techniques of gathering, processing and evaluating information and intelligence on the operations of organized transnational crime, on its methods and interests, as well as on the ways of laundering and using the proceeds of its activities. In collecting and processing information, emphasis should be placed on the expansion of organized crime across borders and on its increased levels of diversification and sophistication, which are elements that require particular attention since they differentiate this form of crime from other criminal activity. The accumulation of practical knowledge would largely depend on the studies that could be carried out at the national level, as well as on the comparative studies that could be carried out at the regional and international levels on the basis of reliable information.

53. In accordance with the Naples Political Declaration and Global Action Plan, the United Nations was mandated to assist States in the specific actions required for the increase and improvement of knowledge on organized transnational crime and its dynamics. Provision of the information and materials requested by the Secretary-General pursuant to Economic and Social Council resolution 1995/11 would permit the undertaking of a comprehensive and comparative study of the situation in the various regions of the world, thus contributing to the achievement of the goal of improving reliable knowledge on organized transnational crime, its structure and dynamics. According to the above-mentioned Council resolution, the collection and analysis of information should be carried out drawing on the contribution of States, which could include teamwork by highly qualified experts. This contribution would be invaluable, particularly given the need to take into account and build on work already done in this area, and considering the limited resources available to the United Nations crime prevention and criminal justice programme. The assistance of highly qualified experts, placed at the disposal of the Secretary-General by States and relevant international organizations, would greatly enhance the value, both scientific and practical, of the analysis and facilitate the work required for the necessary comparative study.

54. Through a global assessment of the transnational organized crime situation, the study would seek to contribute to a better understanding of the problems arising from differences that exist or emerge among various countries in the perception and evaluation of organized transnational crime, thus leading to the gradual development of a common perception of the phenomenon, and a global strategy for more effective international cooperation. The study should draw on national experiences, assisting, in the process, individual countries that lack

the relevant capacity to identify the problem and begin collecting and processing reliable information. It should include an examination of specific types of criminality that are considered particularly dangerous or alarming and an examination of the problems arising from the expansion or reallocation of transnational criminal organizations to countries where defence mechanisms are weak. It should also consider conditions that are conducive to the rise and growth of criminal organizations, such as social, economic and political factors, structural characteristics of organized crime, as well as organizational shortcomings in the control agencies. It should include an analysis of the problems related to the different degrees of development of laws and regulations in individual countries, as well as an analysis of the activities and methods of operation of transnational criminal organizations. The results of the study would also be used for the development of special programmes, courses and curriculums for academic institutions, to ensure that theoretical knowledge is increased, improved and disseminated, and to create the basis for long-term and consistent action against organized transnational crime.

C. Assistance in the legislative and regulatory fields

55. Legislation, both substantive and procedural, occupies a prominent place among policies to combat organized transnational crime. It remains one of the primary tools at the disposal of Governments for the purpose of protecting the values and security of their societies and fostering growth and development. Legislation, however, needs to be dynamic and to adapt itself to, if not to foresee, developments. In the case of organized transnational crime, legislation should be developed with a view to fostering international cooperation and concerted action. Legislation should be structured and elaborated in such a way as to deal severe blows to organized crime groups at points where they would be most effective.

56. The Naples Political Declaration and Global Action Plan recognized the great importance of adequate legislative and regulatory measures for the prevention and control of organized transnational crime. In particular, it was recommended that States examine the experience of countries that have confronted organized crime and the intelligence derived from the analysis of its structures and criminal activities, as useful guiding principles concerning which substantive, procedural and regulatory legislation and organizational structures are necessary to combat the phenomenon. In addition, the regulatory measures recommended in the Naples Political Declaration and Global Action Plan with respect to money laundering and the proceeds of crime, and other law mechanisms to reinforce transparency and integrity in business and government, should be considered preventive measures of equal importance with penal law means of combating organized crime. It should be mentioned that attention was also paid to the possible need for substantive legislation that would address participation in criminal organizations or conspiracies, and imposing criminal liability on corporate bodies, as a means of strengthening capabilities to combat organized crime domestically and improve cooperation internationally.

57. As mentioned above, legislative and regulatory measures for the prevention and control of organized transnational crime are still lacking in a number of countries, in spite of the willingness to effectively address this form of

crime. In the absence of specialized theoretical and practical knowledge, and in view of the difficulties faced in obtaining such knowledge, as well as the results of the experience accumulated in other countries, the elaboration of strategies and their implementation through legislative and regulatory measures are daunting tasks for many countries, particularly developing countries and those with economies in transition.

58. In the Naples Political Declaration and Global Action Plan, States expressed the wish to strengthen and enhance the capability of States, as well as the United Nations and other relevant global and regional organizations, to achieve more effective internatical cooperation against organized transnational crime, in relation, inter alia, to closer alignment of legislative texts concerning organized crime. In fact, divergences in legislative and regulatory measures have often been cited as among the principal difficulties encountered in bilateral and multilateral cooperation.

59. Governments may need to consider reviewing their criminal policies from both the substantive and the procedural perspective. From the substantive point of view, attention should be paid to the criminalization of certain forms of behaviour. The experience gained in the countries where organized crime is criminalized by comprehensive and appropriate legislation should encourage the elaboration and adoption of similar laws. This could be done in a concerted manner, thus avoiding discrepancies among the various countries and promoting the convergence of mechanisms and policies. The international debate on organized transnational crime has already reached some landmark points and this should testify to both the awareness and the willingness to fight it in a concerted and coordinated fashion. From the procedural point of view, Governments would need to consider issues related to traditional concepts of sovereignty and individual decision-making in the light of problems posed by new criminal activities. The realization at the political and decision-making level of the actual magnitude and complexity of organized transnational crime may serve as a basis for elaborating improved forms of international cooperation, drawing on the pool of knowledge and experience in the scientific community.

60. The differences between civil law and common law systems have not prevented international cooperation in the past. The long-standing tradition of bilateral treaties and multilateral conventions supports the idea that, where agreement is reached on a topic, mutual cooperation may run smoothly. The problem is how to develop strategies and techniques that will reduce the number of obstacles to international cooperation. The most recent instruments of international criminal law could provide useful suggestions to that end.

61. The first step towards convergence, and eventual closer alignment of legislative and regulatory measures, would be through the adoption and promulgation of policies of demonstrated effectiveness that do not generate problems of compatibility where the legal systems differ, but that actually facilitate cooperation between countries. In the area of substantive legislation, efforts against organized transnational crime would be considerably strengthened through the introduction of reforms focused on criminalization of participation in a criminal organization, criminalization of conspiracy or similar forms of inchoate offences, prohibition of laundering of criminal

proceeds, and sanctions and other measures, such as the confiscation of illicit proceeds, aimed at defeating the economic power of criminal organizations.

62. In any effort towards closer alignment of the legislative approach to organized transnational crime, the regulatory measures necessary to obtain maximum transparency of financial systems and to prevent monopolies should not be neglected.

63. In accordance with Economic and Social Council resolution 1995/11, the Secretary-General is to submit to Member States for their consideration at the fifth session of the Commission on Crime Prevention and Criminal Justice a proposal on the creation of a central repository of existing legislative and regulatory measures, and information on organizational structures designed to combat organized crime, taking into account the capabilities of the United Nations Crime and Justice Information Network and the activities of other United Nations and relevant intergovernmental bodies. Should States deem it appropriate and desirable to proceed with the creation of such a repository, their continuous support and assistance would be a sine qua non for its usefulness and effectiveness. Such a repository would need to be continuously updated and complemented with comparative analyses and commentaries, as well as with information on the ways that measures are applied and on their contribution to the prevention and control of organized transnational crime. The material and information contained in the repository would be placed at the disposal of States and could be used in advisory services and training undertaken by the United Nations in response to requests for assistance in the field of prevention and control of organized transnational crime. The results of the comprehensive study on the organized transnational crime situation in the various regions of the world, mentioned above, would be combined with these comparative analyses to enhance the options available to States wishing to enact legislative and regulatory measures.

64. In Council resolution 1995/11, the Secretary-General was requested, as necessary, to submit concrete proposals to the Commission for approval, with a view to developing practical models and guidelines for substantive and procedural legislation, building on the experience and expertise of States and drawing on contributions from relevant organizations. Such models and guidelines would rely on information collected and analysed regarding best practices with respect to legislative and regulatory measures, as well as on the knowledge and experience accumulated through the comprehensive study. The United Nations could assist requesting States in tailoring these models and guidelines to their particular exigencies and their legal, cultural and social traditions, in order to facilitate integration of the relevant policies and measures within their specific systems, as well as their implementation. In specific areas that present particular difficulties, such as the laundering and use of the proceeds of crime, special attention could be given to assisting States not only in obtaining information on measures and developing the appropriate mechanisms, but also in assessing the needs of their systems in order to maximize the effectiveness of measures and in identifying the most appropriate mechanisms for their implementation.

D. Technical cooperation

65. Another issue of central importance, and one directly linked to the fundamental concept of international cooperation, is technical assistance. Effective international cooperation often depends on the capacity of the criminal justice system of a given country. Raising the level of knowledge, expertise and professionalism of a criminal justice system requires resources that many countries lack. Technical assistance is then the only way of ensuring that structural difficulties are overcome. The provision of technical assistance can take many forms, depending on the needs of the recipient and on the availability of donor resources. Technical assistance can range from advisory services to the provision of equipment, and will almost invariably include specialized training. The planning and execution of technical assistance projects require constant cooperation and consultation with the competent authorities of the recipient country at every stage of the process. Particular attention should be given to ensuring that assistance is based on the actual needs of the country in question, to be determined by that country, if necessary in consultation with those providing the assistance. Assistance needs to be tailored not only to the specific needs but also to the political, cultural and legal traditions of the recipient country. It should be realized that measures and policies that have proved effective in dealing with a specific problem may need to be substantially modified to retain their effectiveness in different settings or systems. In many cases, the very basic principles or rationale of action are the only elements that can be retained, and new measures and policies have to be designed. A failure to structure and deliver technical assistance on these grounds risks not only rendering such assistance entirely ineffective but also creating an environment that is far from conducive to meaningful cooperation.

66. The overall capacity and stage of development of the criminal justice system are factors that should be taken into account in all technical assistance efforts, particularly when such assistance is intended to help the recipient country to deal with organized transnational crime. Because of the sophistication of this form of crime, assistance is often aimed at strengthening or improving legislative and law enforcement measures. Such interventions, however, need to be planned and developed on the basis of a thorough knowledge of the criminal justice system in question and its overall capacity, as well as on a careful evaluation of their impact on that particular criminal justice system. For example, the establishment of a special investigation unit for offences related to the laundering of the proceeds of crime may improve the detection and apprehension of money launderers. Its successes may, however, be frustrated if the prosecuting and judicial authorities are not in a position to evaluate and use the evidence that the efforts of that unit have yielded.

67. Another issue that needs to be carefully considered is coordination. Multiple assistance projects are directed almost simultaneously at the same component of the criminal justice system, overlapping if not conflicting with each other. The result is an unnecessary duplication of effort, which may lead to confusion among recipients and thus render technical assistance ineffective. Coordination is necessary on the part of all concerned and should be viewed as an essential complement to the structured and thorough preparation and provision

of technical assistance. Without it, the resources devoted to such assistance fail to achieve the intended goals.

68. The traditional rationale for technical assistance, either in drafting new legislation or in training criminal justice personnel, is to help countries to cope more effectively with their problems. The global situation has radically changed in the past few years, however, and so have the needs and goals of the international community. Technical assistance needs to be viewed in the context of the new political and economic realities and to be adapted to them, in terms of both concept and objectives. Technical assistance programmes should be designed to enable countries to equalize the organized crime risk and to do so in such a way as to contribute to the collective interest in deterring the expansion of organized crime.

69. If this objective is missed in planning and providing technical assistance, such assistance will remain a solidarity tax that developed countries pay directly or through multilateral mechanisms. It will be welcomed, but not enough, and the more countries are constrained by limited resources, the less technical assistance they will provide. It is essential, therefore, that technical assistance become more and more a productive investment for three different types of interests: those of the countries receiving assistance, those of the countries giving it and those of the international community.

70. A fundamental purpose of international cooperation is to contribute to the creation of self-reliant capacities in developing countries, as well as in countries with economies in transition. Strengthened technical cooperation in the fight against organized transnational crime should be viewed as a significant step in that direction. The operational activities of the United Nations crime prevention and criminal justice programme should be geared to developing expertise, especially in countries where it is scarce, and to promoting the highest standards of professionalism and specialization. Training and upgrading the skills of personnel working in the various areas of criminal justice is considered crucial, particularly with respect to the investigation, prosecution and adjudication of complex cases. For the purpose of maximizing resources and raising awareness, training seminars would be first organized at the regional level, concentrating on common exigencies and problems, with a view to eventually responding to requests for training courses at the national level. In order to achieve these aims, appropriate expertise would need to be identified and training material developed that would cater to the specific requirements of each region or each group of trainees. Furthermore, effective channels of communication are necessary in order to assess needs and prevailing circumstances, so that training activities can be tailored accordingly. The Commission may wish to identify the most appropriate ways of enabling the United Nations to respond to the requests of States and provide the assistance outlined above.

71. The accumulation of knowledge and expertise, and the development of the capacity to collect, process and analyse reliable information, will require efforts spanning a certain period of time. This would be necessary to put together the appropriate expertise and to carry out a study that would be truly comprehensive and constitute a major contribution to the common efforts of the international community against organized transnational crime. Capacity-

building requires a long-term and consistent commitment to ensure that the benefits of assistance can be sustainable through the consolidation of mechanisms and procedures, and the creation of the necessary infrastructure. Organized transnational crime, however, continues to expand its reach and constitutes a growing threat to the international community. A well-balanced approach is, therefore, essential. The efforts to accumulate knowledge would need to be undertaken simultaneously with meeting the current and pressing needs of States in taking immediate measures to prevent and arrest the expansion of organized transnational crime, and mitigate its effects on their economies and institutions. Concurrently with building the capacity for pursuing common objectives, there is an urgent need to strengthen existing mechanisms and institutions to fight against the most immediate manifestations and threats posed by organized transnational crime.

72. In order to contribute to this balanced approach, the United Nations should assist requesting States in assessing their immediate needs, through the provision of advisory services. Such services should also be provided in reviewing existing measures, mechanisms and institutions in order to identify and put in place modalities for strengthening their capacity to respond to the problems created by the new manifestations of organized transnational crime. In response to requests from States, the United Nations should provide expert advice and options on the establishment of special investigative units and on developing reliable evidence-gathering techniques. For the purpose of strengthening the capacity of States to cooperate and exchange information, intelligence and experience, the United Nations should assist with the creation of special mechanisms and the implementation of appropriate measures. The pressing needs that currently exist are evidenced by the increase in requests for assistance which the Crime Prevention and Criminal Justice Branch has received in the past year. The Branch, often cooperating closely with the United Nations International Drug Control Programme, has begun to respond to such requests from the Governments of Belarus, Kyrgyzstan, Pakistan and the former Yugoslav Republic of Macedonia.

V. CONCLUSIONS

73. States have attached high priority to the implementation of the Naples Political Declaration and Global Action Plan, as well as to the United Nations crime prevention and criminal justice programme and its role in such implementation. This priority should soon be translated into practice if the momentum of the World Ministerial Conference on Organized Transnational Crime is to be sustained. The consensus on the threat posed by organized transnational crime and the urgency of effectively combating it, and the political will to take global action create the necessary foundations for implementation. Efforts by the international community and the United Nations should be guided by this consensus and political will and be geared towards sustaining and broadening them.

74. Building on the established consensus and taking full advantage of the present political climate, which is conducive to more meaningful international cooperation, States should specify the activities that need to be undertaken for implementation, agree on the pace of such implementation and devote their

energies and undivided attention towards achieving the common goals identified in the Naples Political Declaration and Global Action Plan. Such action is essential to enable the Commission on Crime Prevention and Criminal Justice and the United Nations to undertake rational and effective planning.

75. In view of its general mandate and universal constituency, the United Nations provides an appropriate mechanism for the promotion of global action. The United Nations has been given a special responsibility to improve countries' capacities to combat organized transnational crime and can serve as global catalyst, bringing together divergent views, equalizing the burden and pace of implementation and encouraging efforts in that direction. While the United Nations is naturally held to austere standards of efficiency and effectiveness, it cannot move ahead without Member States providing it with the means to do so. In the absence of these means, and in spite of its best efforts to use its limited resources with maximum efficiency, it becomes very difficult to make a real impact and produce measurable results. As with any other action on a global scale, resources are bound to be a central issue. The Secretary-General has begun translating into practice the priority attached to the fight against organized transnational crime in the context of the proposed programme budget for the biennium 1996-1997. 5/ Regular budget resources, however, can only provide a minimum framework and, while they should be further increased, are not likely to be sufficient for the required action. They need to be supplemented by extrabudgetary resources through voluntary contributions from States, particularly in view of the vast needs of developing countries and countries in transition and the central role that the provision of practical assistance is bound to play in any efforts towards implementation of the Naples Political Declaration and Global Action Plan.

Notes

1/ Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995 (A/CONF.169/16), chap. I, resolution 3.

2/ Testimony of Philip B. Heymann, Deputy Attorney General, to the Foreign Affairs Committee, United States House of Representatives, 14 September 1993, p. 3.

3/ See Fleur Keyser-Ringnalda, "European integration with regard to the confiscation of the proceeds of crime", paper compiled for the Tenth International Symposium on Economic Crime, Cambridge, July 1992.

4/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990 (United Nations publication, Sales No. E.91.IV.2), chap. IV, sect. C, para. 253.

5/ See Official Records of the General Assembly, Fiftieth Session, Supplement No. 6 (A/50/6/Rev.1), sect. 13.